

Multi Agency Public Protection Arrangements

(MAPPA)

National Guidance

2014

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1 INTRODUCTION

1 The Multi-Agency Public Protection Arrangements (MAPPA), are a set of statutory partnership working arrangements introduced in 2007 by virtue of Section 10 and 11 of The Management of Offenders etc. (Scotland) Act 2005.

2 The 2005 Act places a statutory duty on the responsible authorities in a local authority area to jointly establish arrangements for assessing and managing the risk posed by certain categories of offenders.

3 Section 10(7) of the 2005 Act details the responsible authorities for the area of a local authority as:

- (a) The chief constable of a police force maintained for a police area, any part of which is comprised within the area of the local authority;
- (b) The local authority;
- (c) A Health Board or Special Health Board for an area any part of which is comprised within the area of the local authority; and
- (d) Scottish Prison Service (SPS) (acting on behalf of the Scottish Ministers).

4 The police, local authorities and SPS are required to jointly establish arrangements for the assessment and management of risks posed by sex offenders subject to the Sex Offender Notification Requirements (SONR).

5 Health boards are required to establish joint arrangements for the assessment and management of risk posed by mentally disordered restricted patients. Restricted patients are reviewed under the Care Programme Approach (CPA) and the risk to the community is managed through MAPPA. Further information on the responsible authorities is available in chapter 2.

6 The 2005 Act also provides for agencies who have a duty to co-operate (DTC) with the responsible authorities in relation to the management of offenders. Further information on the duty to cooperate is available in chapter 3.

This guidance relates to the operation of the provisions for the following categories of offenders:

- Offenders convicted of an offence listed in Schedule 3 to the Sexual Offences Act 2003 and required to comply with the SONR set out in Part 2 of the 2003 Act. Those made subject to a Sexual Offences Prevention Order (SOPO), or are convicted of a breach of a Risk of Sexual Harm Order (RSHO).
- Mentally disordered restricted patients subject to any of the following orders or directions come within the remit of MAPPA legislation and procedures:

- Patients who are detained following conviction under section 57A and section 59 of the Criminal Procedure (Scotland) Act 1995;
- Patients who are detained under section 57(2)(a) and (b) of the Criminal Procedure (Scotland) Act 1995 Compulsion order with a Restriction Order following a finding of unfitness for trial or acquittal by reason of mental disorder; and
- Prisoners detained in hospital on a Hospital Direction under section 59A of the Criminal Procedure (Scotland) Act 1995 or a transferred prisoner on a Transfer for Treatment Direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

7 The fundamental purpose of MAPPA is public protection and managing the risk of serious harm. MAPPA is not a statutory body in itself but is a mechanism through which the responsible authorities discharge their statutory responsibilities and protect the public in a coordinated manner.

8 The MAPPA reflect the Human Rights Act 1998 principles of necessity and proportionality and this must be considered in all actions carried out by the responsible authorities and DTC agencies in their plans to manage offenders.

Diversity

9 The MAPPA agencies must be free from discrimination and committed to equal access to services for all groups, particularly in relation to race, gender, gender identity, age, religious belief, sexual orientation and disability. This means that all actions undertaken or recommended by the MAPPA agencies, and all policies and procedures, will be based on assessments of risks and needs. They will not draw on stereotypical assumptions about groups that will be discriminatory in outcome.

10 In undertaking their work, the MAPPA agencies will be sensitive and responsive to individual differences and needs. They will integrate this understanding into the delivery of their functions to ensure that nobody is disadvantaged as a result of belonging to a specific social group. To assist in achieving this, each of the responsible authorities must have in place plans to ensure that issues of diversity are addressed.

2 THE RESPONSIBLE AUTHORITY

1 Sections 10 and 11 of the Management of Offenders etc. (Scotland) Act 2005 place a statutory duty on the responsible authorities in a local authority area to jointly establish arrangements for assessing and managing the risk posed by certain categories of offenders.

2 Section 10(7) of the 2005 Act details the responsible authorities for the area of a local authority as—

(a) The chief constable of a police force maintained for a police area any part of which is comprised within the area of the local authority;

(b) The local authority;

(c) A Health Board or Special Health Board for an area any part of which is comprised within the area of the local authority; and

(d) Scottish Prison Service (SPS) (acting on behalf of the Scottish Ministers).

3 Detail on the categories of offenders covered by the legislation and this guidance can be found in chapter 4.

The Responsible Authorities and Identification of Primary Roles

4 The primary role of each responsible authority in the Multi Agency Public Protection Arrangements (MAPPA) is summarised as follows:

Local authority

5 The local authority is the responsible authority with primary responsibility for the management of sex offenders subject to statutory supervision in the community. The responsibility for the joint arrangements within a local authority lies primarily with the Chief Social Work Officer, however, other local authority services, such as education and housing, also have key responsibilities in relation to this function. [The National Outcomes and Standards for Social Work Services in the Criminal Justice System \(NOS\)](#) set the minimum standards which local authorities are required to meet in respect of these services. The responsibility for the case is shared between the relevant local authority and the police who together must assume joint responsibility for the management of risk under MAPPA.

6 Additionally there are occasions when an offender being managed by the police under MAPPA will be convicted of another crime or offence and the sentence includes statutory supervision on release for that offence. This change in status should be considered and an agreement reached on which authority has primary responsibility for the case.

The police

7 The Police Service of Scotland is responsible for the operation of the Sex Offender Notification Requirements (SONR) and will normally be the responsible authority for those offenders subject to the SONR who are not subject to statutory supervision by the local authority. In cases where the statutory supervision ends, but the individual is still subject to SONR, the police will become the lead responsible authority. There are a small number of cases where the offender receives a community sentence disposal, but there will be no licence conditions and no involvement by local authority criminal justice social work. In such cases the police will be the responsible authority.

8 The relevant police functions and duties are laid out within The Police Service of Scotland, Offender Management, Standard Operating Procedures, 2013.

The Scottish Prison Service (SPS)

9 The SPS is the responsible authority for offenders whilst they are in custody and during periods of home leave.

Health

10 Health boards and Special Health Boards are a responsible authority in relation to the assessment and management of mentally disordered offenders and restricted patients who meet the criteria in section 10(1) of the 2005 Act. The roles and responsibilities of Health boards and Special Health Boards in relation to mentally disordered offenders (restricted patients) is detailed at Chapter 14.

Residency principles

11 Identification of the relevant local authority area and therefore the lead responsible authority is a priority, particularly in cases where offenders are itinerant or have no fixed residence. Where it is not immediately clear which local authority area has responsibility and the offender is, or will be, subject to supervision by a local authority, the ordinary residence principles laid down in National Outcomes and Standards for Throughcare apply.

Cases concerning more than one area

12 There are cases where an offender may legitimately be of concern, or interest, to responsible authorities in more than one area, for example, where an offender regularly visits an address in another area. In these circumstances the police will ensure that all relevant information concerning risk assessment and management is shared between the appropriate divisional offender management units and updated regularly. This level of information sharing should be reflected when required between the relevant local authorities.

13 Similar issues of coordination may arise where a known victim lives in a different area to the home area of the offender. In such circumstances similarly

clear lines of communication must be established. It is vital that there is joint planning, risk management and intervention planning. The level, nature and duration of any actions will vary depending on the needs of each individual case.

3 THE DUTY TO COOPERATE

1 Section 10 (3) of the 2005 Act states 'the responsible authorities must act in cooperation with such persons as the Scottish Ministers may, by order made by statutory instrument, specify'. This is known as the "Duty To Cooperate" (DTC).

2 The 2005 Act, Section 1 (2) (a) states 'to cooperate may, without prejudice to the generality of that expression, include to exchange information'. The DTC is reciprocal, requiring two-way cooperation between responsible authorities and DTC agencies.

3 The DTC persons or bodies in Scotland are listed within The Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007. They include registered social landlords, the Principal Reporter to the Children's Panel, electronic monitoring providers, and any persons/organisations providing services to, or on behalf of, a responsible authority in connection with the assessment and management of the risks posed in a relevant area by any person to whom section 10(1)(a) of the 2005 Act applies.

4 As Scottish Ministers have prescribed persons or bodies with a DTC in the 2007 order, the duty can only be extended or removed by amending that order. The responsible authorities cannot include other persons or bodies within the DTC arrangements or exclude those stipulated.

5 There is no legislative requirement to involve other agencies which are not DTC agencies, however, the responsible authorities should consider whether the involvement of other agencies is necessary for the effective operation of the MAPPA. Such cooperation must be compatible with the exercise by those agencies of their statutory functions and be cognisant of information sharing legislation.

Health boards and Special Health Boards

6 Health boards and Special Health Boards are a responsible authority (within the meaning of section 10 of the 2005 Act) in relation to the assessment and management of mentally disordered offenders and restricted patients who meet the criteria in section 10(1) of the 2005 Act.

7 Additionally Health Boards and Special Health Boards have a duty to cooperate with other agencies for non-restricted mentally disordered offenders who are subject to the SONR.

Department for Work and Pensions (DWP) and the Child Maintenance and Enforcement Commission

8 The Management of Offenders etc. (Scotland) Act 2005 (Disclosure of Information) Order 2010 and circular JD 5/2010 sets out the conditions under which information may be disclosed between the Secretary of State for Work and Pensions, (DWP) (Jobcentre Plus), the Child Maintenance and Enforcement Commission (the Commission), the responsible authorities and

duty to cooperate agencies in the MAPPA. Albeit the DWP and the Commission are not DTC agencies.

Memorandum

9 The DTC is underpinned by memoranda prepared by the responsible authorities and the DTC agencies in each local authority area, and other relevant DTC agencies (including The State Hospitals Board for Scotland), in accordance with section 10(5) of the 2005 Act. The purpose of the memorandum is to enable the practicalities of cooperation to be agreed locally to ensure that there is a clear and agreed understanding by all involved of their roles and responsibilities. This allows those involved to take account of the variations in the structure and relationships between all the agencies concerned, which may differ from one part of the country to another.

10 The memorandum should refer to the Concordat on Sharing Information on Sex Offenders and be supported by protocols on sharing information. Guidance on developing protocols can be found in the Scottish Executive Justice Department Circular 15/2005. This guidance also covers agencies that are not involved directly in the MAPPA arrangements.

Memorandum of understanding

11 The memorandum drawn up by the responsible authorities and the DTC agencies at local level should at a minimum cover the following areas:

- Legislative provision;
- Principles and purposes of the DTC;
- Agencies to which the memorandum applies;
- Roles of agencies involved;
- Local protocol(s) on sharing information;
- Definitions of terms agreed in the Concordat;
- Media handling strategy;
- Disclosure arrangements and responsibilities;
- Annual report review arrangements.

A model memorandum is provided in the Annex 4 attached to this guidance.

The practicalities of cooperation

12 One of the most important means by which cooperation is achieved is by sharing information. Further detail on the subject of information sharing can be found in Chapter 9 of this guidance.

13 The memorandum should describe the ways in which the agencies agree to cooperate, however, the specific activities involved in cooperation will be

determined by the circumstances of each case. The type of activities cooperation will involve can be broken down into four areas:

- Providing a point of contact for other agencies; while much of the formal business of cooperation will be conducted at MAPPA Level 2 or Level 3 meetings, cooperation may also entail informal contact. To enable that informal contact and to channel the more formal engagement, it is important that each agency provides a single point of contact (SPOC);
- Providing general advice about an agency's role including the type of services it provides and how they can be accessed;
- Providing specific advice about the assessment and/or the management of the risks presented by an offender;
- Coordination: this key partnership function requires each agency to perform its' role and to carry out its responsibilities in a way which complements the work of the other agencies.

14 Additionally further information on partnership working can be found in Standard 4 of the [Standards and Guidelines for Risk Management \(Risk Management Authority 2013\)](#).

15 For clarification and reassurance, it may be helpful to refer at each stage to the statutory definition of the duty and the principles outlined above.

4 IDENTIFICATION AND NOTIFICATION OF OFFENDERS

This chapter establishes the statutory requirements for each responsible authority to identify all MAPPA offenders and to make the necessary notification.

Identification of Offenders

1 The identification of the offenders who fall within the MAPPA is the critical first stage. This guidance sets out the legislative framework and model to identify relevant offenders.

2 Section 10 (1) (a - e) of the Management of Offenders etc. (Scotland) Act 2005 sets out three broad categories of offender who can be subject to MAPPA:

- Category 1: Offenders subject to the Sex Offender Notification Requirements (SONR)
- Category 2: Violent offenders
- Category 3: Other offenders

3 Entry to the MAPPA is established by the category of offender. The responsible authority must be clear as to which category of offender fall within the remit of the MAPPA at any particular time, regardless of the level at which they will be managed. This includes the arrangements for the management of restricted patients.

CATEGORY 1 - Sex Offenders subject to SONR:

4 This category relates to offenders who are required to comply with the SONR set out in Part 2 of the Sexual Offences Act 2003 (the 2003 Act). When a person is convicted of an offence listed in Schedule 3 of the 2003 Act, they automatically become subject to the SONR. Those made subject to a Sexual Offences Prevention Order (SOPO) or are convicted of a breach of a Risk of Sexual Harm Order (RSHO), are automatically required to comply with the SONR.

5 The SONR are set out fully in Part 2 of the 2003 Act and the regulations made thereunder.

6 Section 82 of the 2003 Act sets out the period of time an offender is required to comply with the notification requirements.

CATEGORY 2 - Violent Offenders:

7 A violent offender is defined in legislation as someone who has been convicted on indictment of an offence inferring personal violence and is subject to a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995 (c.46) imposing an offender supervision requirement (within the meaning given by section 227G(1) of that Act) whether

alone or along with any other requirement, or will be on release from prison, subject to statutory supervision in the community.

8 The arrangements for category 2 offenders have not been commenced in Scotland. As such this category of offender are not currently included within MAPPA and these offenders are managed by the local authority (Criminal Justice Social Work (CJSW)) and Scottish Prison Service (SPS) as part of their wider statutory responsibilities.

CATEGORY 3 - Other Offenders:

9 This category relates to offenders not in Category 1 or 2, who have been convicted of an offence and, by reason of that conviction, are considered by the responsible authorities to be a person who may cause serious harm to the public at large. **The arrangements for category 3 offenders have not been commenced in Scotland but are the subject of continuing development.**

MENTALLY DISORDERED OFFENDER – Restricted Patients:

10 The term 'restricted patient' is used in this guidance. For clarity any patient subject to any of the following orders or directions comes within the remit of MAPPA legislation and procedures:

- Patients who are detained following conviction under section 57A and section 59 of the Criminal Procedure (Scotland) Act 1995;
- Patients who are detained under section 57(2)(a) and (b) of the Criminal Procedure (Scotland) Act 1995 Compulsion order with a Restriction Order following a finding of unfitness for trial or acquittal by reason of mental disorder; and
- Prisoners detained in hospital on a Hospital Direction under section 59A of the Criminal Procedure (Scotland) Act 1995 or a transferred prisoner on a Transfer for Treatment Direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

11 It should be noted that category 1 offenders who require mental health intervention but who are not categorised as mentally disordered restricted patients under the 2005 Act will fall under the NHS Health Boards DTC. Such offenders will be managed by either the local authority or the police as appropriate. More information on restricted patients is available at chapter 14.

Identification of offenders and the role of the Scottish Court Service:

12 When an offender is subject to the SONR, the Court is required to issue the offender with a certificate of conviction or finding and a notice of requirement to register.

13 A copy of both the certificate of conviction and the notice of requirement to register must be copied to the police and also the relevant local authority, and

must be attached to any extract warrant for imprisonment or detention in hospital.

14 Charts 1 and 2 at the end of this chapter demonstrate the sex offender notification process.

Notification of Offenders

15 The following paragraphs outline the notification process for custodial and non-custodial cases and the timescales in which such notifications should take place. Further timescales are included in chapter 6 in relation to the subsequent stages of the MAPPA process.

16 When identified the details of all relevant offenders must be notified to the coordinator by the lead responsible authority for recording, regardless of the level at which they will be managed, and regardless of whether they are serving a custodial sentence, or a community based sentence. The MAPPA coordinator will maintain an accurate record of the numbers of offenders being managed by the responsible authorities in that area.

17 Notification will be made using the notification form contained in the document set to this guidance. The notification should be recorded on the Violent and Sex Offender Register (ViSOR) within an activity log. The form should contain sufficient information to support the rationale for management at the suggested MAPPA Level.

Custodial sentences:

18 Many notifications result from a sentence of imprisonment. The SPS Integrated Case Management system (ICM) helps to ensure that offenders who will be subject to MAPPA are more readily identified at the point of sentence.

19 For those prisoners subject to SONR, but not to statutory supervision by CJSW in the community following release, or serving a custodial sentence for a non-sexual offence, SPS should make an **immediate** notification to the MAPPA coordinator at the point of imprisonment. SPS must also notify the police of the prisoner's impending release.

20 For those prisoners subject to statutory supervision by CJSW upon release into the community, SPS will give a notification (and/or referral where appropriate) to the MAPPA coordinator. This will be done **within ten working days** of the annual ICM case conference preceding the prisoner's Parole Qualifying Date. A confirmed notification/referral will be sent to the MAPPA coordinator **within ten working days** of SPS having received notification of the Parole Board's decision. Further information on the Parole Board is available at chapter 14. For those who are not granted parole, SPS will send the coordinator confirmation of the decision as soon as possible following the pre-release ICM case conference.

Community sentence and other notifications:

21 To ensure that all identified offenders are included within MAPPA, the lead responsible authority with knowledge of the relevant offender, must make a notification to the relevant MAPPA coordinator for the owning CJA area, **not later than three working days** of the community disposal being determined by the Court.

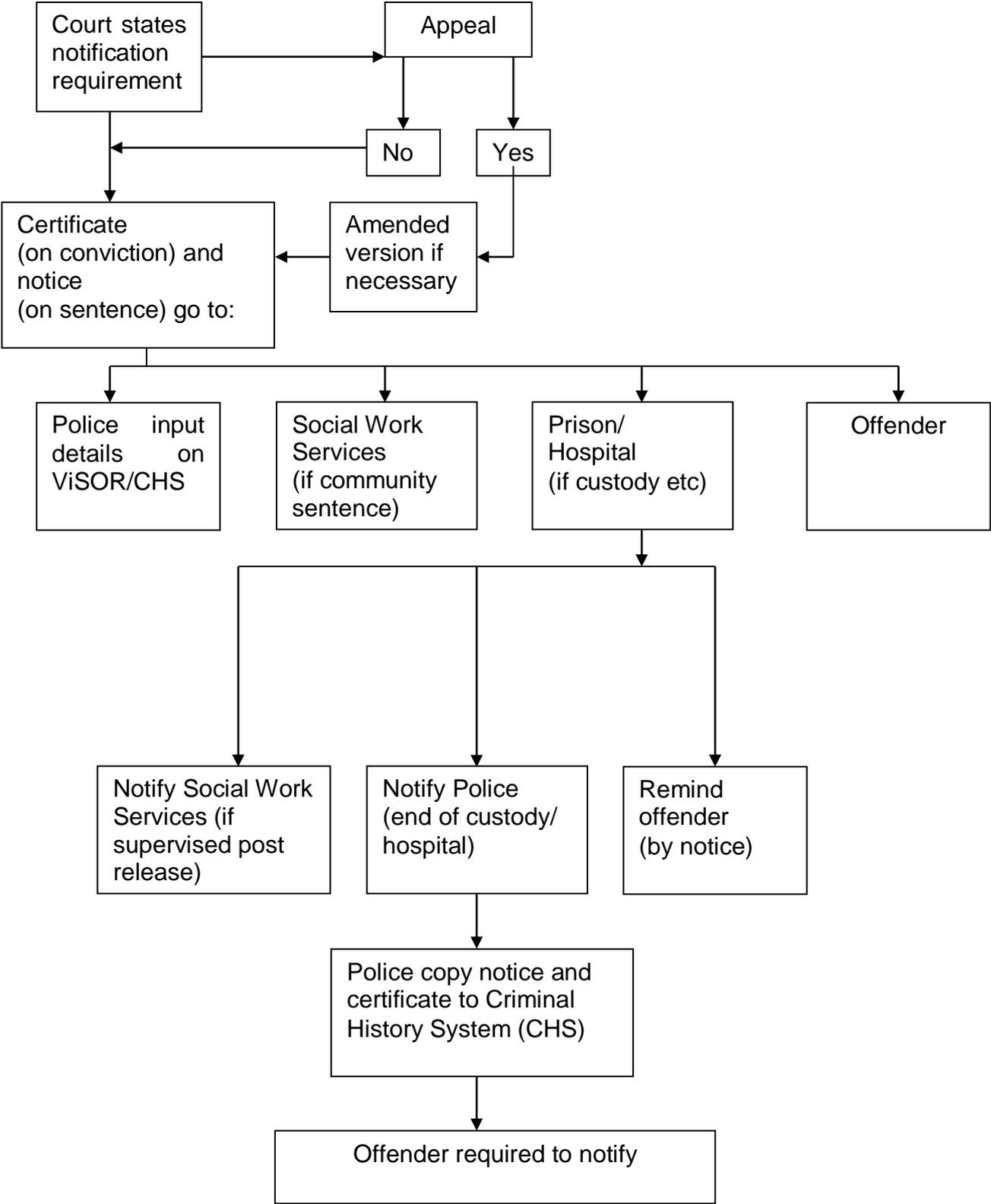
22 For those subject to statutory supervision, notification should be made by the local authority (CJSW) to the MAPPA coordinator. For those offenders receiving a community disposal but there is no active management by CJSW, then the police are the responsible authority.

23 For offenders whose risks are likely to be managed at Level 1 the notification should be made **not later than three working days** from the receipt of the community disposal.

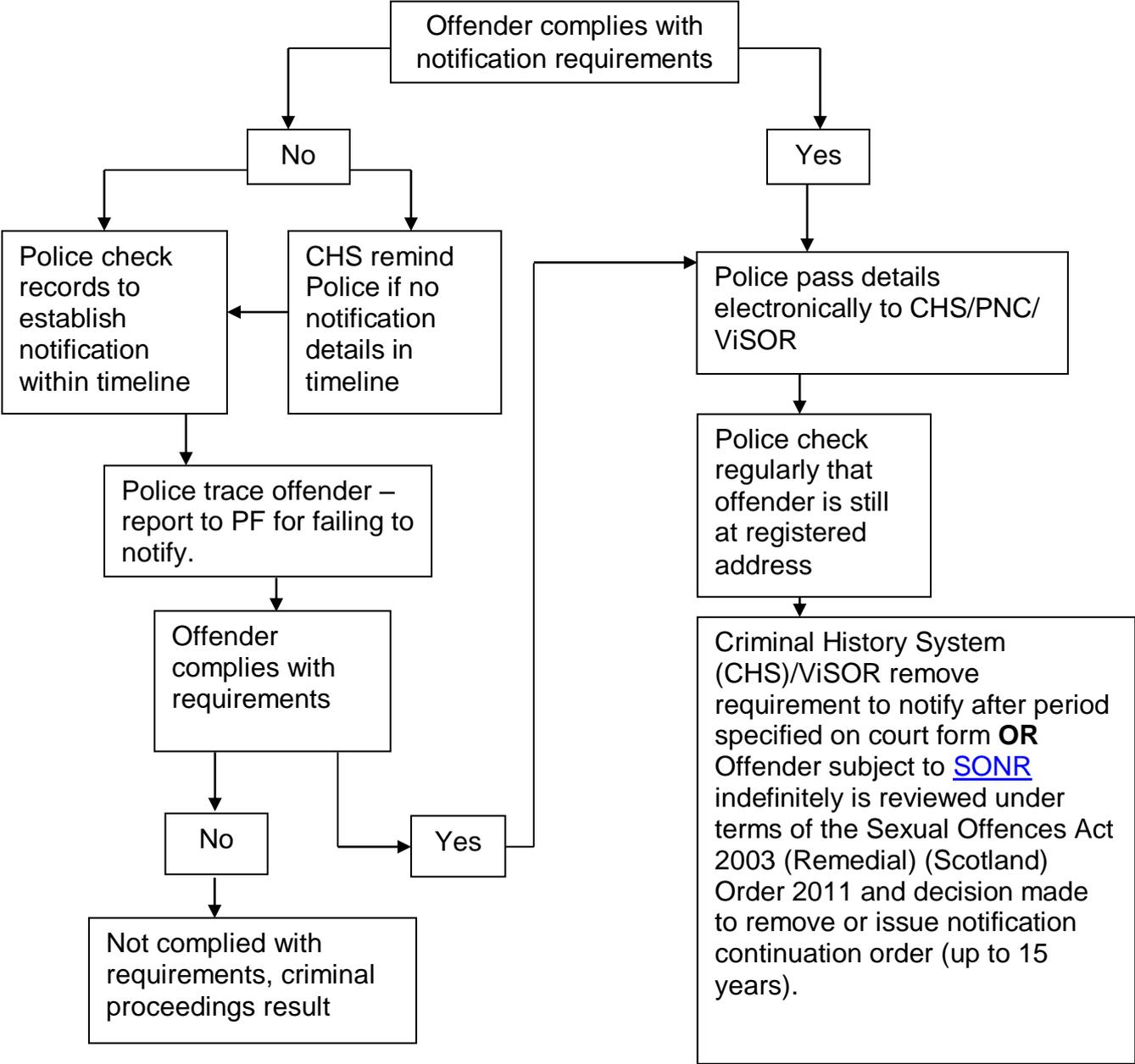
24 Notifications for those who are deemed to fall into Level 2 or 3 should be made as a matter of urgency to allow arrangements to be made for MAPPA involvement, but in any case **not later than three working days** from the receipt of the disposal.

25 The MAPPA coordinator for the area of the CJA is the Single Point of Contact (SPOC) for all notifications. They must place an entry on ViSOR within an activity log and include the MAPPA level at which the offender will be managed.

**Sexual Offences Act 2003 Notification
Process**
Chart 1



Sex Offender Registration Process
Chart 2



5 THE ASSESSMENT AND MANAGEMENT OF RISK

Levels at which risk is assessed and managed in MAPPA

1 This section identifies the 3 levels at which risk can be managed under MAPPA and outlines the risk assessment and management framework.

The 3 management levels in MAPPA are:

- Level 1: routine risk management;
- Level 2: multi-agency risk management;
- Level 3: Multi Agency Public Protection Panels (MAPPP).

2 The adoption of the three management levels allows for a consistent approach to MAPPA throughout the country. Each area has discretion in deciding which cases to refer to which level based on the experience and expertise of the agencies involved, but every area must establish arrangements based on the three levels.

3 The risk management structure is based on the principle that cases should be managed at the lowest MAPPA level commensurate with delivering a defensible risk management plan designed to address the risk of serious harm posed by the offender.

4 Risk of serious harm is defined as; **the likelihood of harmful behaviour of a violent or sexual nature, which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, may reasonably be expected to be difficult or impossible.**

5 For MAPPA purposes the imminence and likelihood of risk of serious harm is classified as follows:

- **Very high:** there is an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious;
- **High:** there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious;
- **Medium:** there are identifiable indicators of serious harm. The offender has the potential to cause such harm, but is unlikely to do so unless there is a change in circumstances, for example failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse; and
- **Low:** current evidence does not indicate likelihood of causing serious harm.

6 Where an offender is subject to management by MAPPA and is also serving an [Order for Lifelong Restriction \(OLR\)](#) sentence the responsible authorities will have regard to the requirements as detailed in the [Standards and Guidelines for Risk Management \(Risk Management Authority 2013\)](#). These standards and guidelines are for the **active and alert** risk management¹ of those who pose a risk of serious harm and also provide practical guidance on the application of those standards in relation to those who are subject to an OLR.

Level 1: Routine Risk Management

7 The largest proportion of all MAPPA offenders are managed at Level 1. This level of risk management is used in cases where the risks posed by the offender can be managed by one agency without actively or significantly involving other. This is an operational matter for the [responsible authorities](#).

8 It is essential at Level 1 that each agency has in place processes to ensure information sharing takes place, disclosure is considered, and there are discussions with DTC agencies as necessary. Details of information shared and decisions made should be recorded on ViSOR by the lead responsible authority.

9 Whilst the management of offenders at Level 1 is an operational matter for the responsible authorities, they must have arrangements in place to review cases managed at this level to confirm that the risk management arrangements remain appropriate. The timing of this review should be based on the risks posed by the offender (see Standard 2, Planning and Responding to Change, Standards and guidelines for Risk Management (Risk Management Authority 2013)).

10 Some Level 1 cases may require a multi-agency meeting to share information and ensure that all the risk factors are identified and the risks effectively managed. The lead responsible authority managing the case will identify when a meeting is necessary and will coordinate it, recording the decisions made on the relevant case management records and ViSOR. It is possible that offenders may be managed at different levels throughout their period of notification. Therefore if it is considered that the identified risks require more complex multi-agency management then the offender should be referred to Level 2 or Level 3.

11 The management of a Level 1 offender is not the sole preserve of the lead agency; it is for all the responsible authorities to be actively involved in the monitoring of an offender made known to them, and they should report changes to the respective lead agency when they become aware of them.

¹ FRAME promotes consistent and proportionate practice by proposing a tiered approach in which the same standards, principles and practice process apply, but are delivered proportionate to the risk. 'Active and alert risk management' is the term applied to the approach indicated when managing those who pose a risk of serious harm.

12 If factors change which may affect the risk and the risk management planning then it is vital that the agencies have in place effective information sharing processes to ensure that these factors can be taken into consideration by the lead responsible authority.

Level 2: Multi-Agency Risk Management

13 Level 2 risk management should be used where the active involvement of multiple agencies is required to manage and actively reduce the **risk of serious harm** posed, but where either the level of risk or the complexity of managing the risk is not so great as to require referral to Level 3.

14 Risk can and will change and the means of managing risk must be capable of reacting to and reflecting changes in risk accordingly. It is possible for Level 2 cases to be referred to Level 1, or Level 3 when, for example, the likelihood and impact of the risk has diminished, or increased, and the management requirements of that risk have changed. **Any decision to amend the management level in a Level 2 case can only be taken at a MAPPA meeting.**

15 The responsible authorities, through the MAPPA coordinator, are responsible for convening and supporting the Level 2 arrangements. Depending upon the needs of the case, the following agencies/organisations should routinely play an active role in Level 2 management:

- police;
- local authority: Criminal Justice Social Work (CJSW); children and families or youth justice social work teams; adult services; housing Sex Offender Liaison Officers (SOLOs) and, where appropriate, education;
- Scottish Prison Service (SPS)
- the relevant health board, including mental health services; and
- other agencies, e.g. voluntary sector.

16 Level 2 arrangements are more than *ad hoc* groups, which change with each case. A permanent representative from the relevant agencies, supplemented by representatives from other organisations as needed, will provide effective oversight of risk management plans.

17 Multi-agency risk management may mean a significant caseload of offenders requiring active management and review by the responsible authorities. To achieve this, the responsible authorities must ensure that the meetings are effectively managed and supported.

18 The responsible authorities are charged with the statutory function for ensuring the efficient and effective operation of MAPPA. For this reason it is important that the Level 2 meetings are chaired by a suitable representative of either police, the local authority, SPS or Health (see Chapter 7, Para 30-32).

19 The frequency of these meetings is a matter for the lead agency in liaison with the MAPPA coordinator and partner agencies. However, setting regular meetings will allow the opportunity for the systematic review of risk management plans, and in any case, Level 2 cases must be reviewed no less than once every 12 weeks.

Level 3: Multi Agency Public Protection Panel (MAPPP)

20 The MAPPP is responsible for the management of offenders at Level 3. It is recommended that each Community Justice Authority area identifies at least 1 Level 3 Chair. The MAPPP members must possess the relevant experience and seniority to understand the requirements of Level 3 management and to commit resources to it.

21 The criteria for referring a case to the MAPPP are where the offender:

- is assessed as presenting a high or very high risk of serious harm; and
- presents risks that can only be managed by a plan which requires close cooperation at a senior level. This would be due to the active multi-agency involvement in the case and/or because of the unusual resource commitments required;

OR

- although not assessed as presenting a high or very high risk of serious harm, the case is exceptional because the likelihood of media scrutiny and/or public interest in the management of the case is very high and there is a need to ensure that public confidence in the criminal justice system is sustained.

For clarity high and very high risk are defined in MAPPA as:

High: there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious; and

Very high: there is an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious.

22 Although the offenders managed at Level 3 are not exclusively those assessed as high or very high risk of serious harm, in almost all cases they will be.

23 While most are offenders being released from prison, or already being managed in the community, it may also include:

- an offender on discharge from detention under a hospital order (with the health board as the lead responsible authority);

- an offender arriving from overseas (whether immediately following their release from custody or not); and
- an offender in the community whose assessment of risk of serious harm was categorised as low or medium, comes to present a high or very high risk as the result of a significant change of circumstances.

24 Level 3 cases may be referred to Level 2 when for example, the likelihood and impact of risk has diminished or where the management requirements of the case have reduced. **Any decision to lower the level at which an offender is managed can only be taken at a MAPPA meeting.**

Representation at Level 2 and Level 3 Meetings

25 Key to the effectiveness of Level 2 and Level 3 arrangements is identifying and ensuring the right multi-agency representation and involvement. In determining the level of the representation and the nature of that involvement three factors must be considered:

- The representatives must have the necessary level of seniority and possess the authority to make decisions which commits their agency's involvement and resources. This is important as deferring such decisions will impact negatively on the effectiveness of the multi-agency operation;
- The representatives will require the relevant knowledge and experience in risk/needs assessment and management, as well as in partnership working;
- The effectiveness of Level 2 and Level 3 arrangements depends in large part upon establishing continuity. Multi-agency work is often complex and benefits greatly from the continuity of personnel and their professional engagement.

Risk Assessment and Risk Management

26 The following information provides an initial reference point and a link to further sources of information either within this guidance or elsewhere.

27 The Standards and Guidelines for Risk Management (Risk Management Authority 2013) are for the **active and alert** risk management² of those who pose a risk of serious harm.

² [FRAME](#) promotes consistent and proportionate practice by proposing a tiered approach in which the same standards, principles and practice process apply, but are delivered proportionate to the risk. 'Active and alert risk management' is the term applied to the approach indicated when managing those who pose a risk of serious harm.

Risk Assessment:

Risk assessment will:

- involve identification of key pieces of information, analysis of their meaning in the time and context of the assessment, and evaluation against the appropriate criteria;
- be based on a wide range of available information, gathered from a variety of sources;
- be conducted in an evidence-based, structured manner, incorporating appropriate tools and professional decision making, acknowledging any limitations of the assessment;
- be communicated responsibly to ensure that the findings of the assessment can be meaningfully understood and inform decision-making. Risk will be communicated in terms of the pattern, nature, seriousness and likelihood of offending.

28 To meet these standards an assessment underpinning a risk management plan will evidence:

- a thorough review and evaluation of information gathered from interviews, file reading, chronologies, multi-disciplinary discussion and collateral sources;
- the use of appropriate risk assessment tools to provide a sound empirical basis for the identification of risk and protective factors;
- detailed analysis of past and current offending in terms of its pattern, nature, seriousness and likelihood;
- an offence analysis that examines how, why and when offending occurs and begins to identify the relevance of risk and protective factors in episodes of offending;
- a formulation of risk that offers an understanding of the interaction and respective role of risk and protective factors in an episode of offending, and helps to identify triggers and early warning signs which may assist in recognising and responding to imminence;
- an evaluation of the current level of risk of serious harm;
- recognition of the limitations of the risk assessment and identification of any case specific issues that may extend beyond the boundaries of professional training, qualification and expertise.

Risk Management

- Risk strategies of monitoring, supervision, intervention and victim-safety planning, and the associated activities which are used to manage the risk posed by offending behaviour will be tailored to the needs of the individual;
- Measures should be proportionate to the level of risk, defensible, and consistent with the remit of the responsible agencies.

29 To meet these standards measures to manage risk of serious harm should:

- be tailored to the individual;
- comprise a balance of preventive, supportive and contingency measures;
- target the specific risks, needs and scenarios identified within the risk assessment and formulation;
- be delivered by means of the risk management strategies of monitoring, supervision, treatment or intervention and victim-safety planning;
- be coordinated within a risk management plan which is shared with key partners;
- be regularly reviewed to evaluate progress and ensure the on-going appropriateness of measures.

30 A risk assessment and risk management template, including completion guidance, is included within the document set of this guidance.

Defensible Decision Making

31 The Framework for Risk Assessment, Management and Evaluation (FRAME) published by the Risk Management Authority (2011) provides an outline of the agreed guiding principles of risk management. This includes a definition of defensible decision making.

32 In terms of FRAME a decision is deemed defensible if an objective group of professionals would consider that it meets the following criteria:

- Staff involved have appropriate levels of knowledge and skill and an investigative stance and proactive approach;
- The decision or action is based upon appropriate use of collected and thoroughly evaluated information and a risk assessment using reliable methods grounded in the evidence;
- Planning demonstrates risk management strategies matched to risks and risk level and all reasonable steps have been taken;

- Throughout the process there is communication with relevant others, decisions are recorded, and policies and procedures followed.

6 THE MAPPA IN OPERATION

Introduction

1 This chapter describes the process following identification and notification when a relevant offender is referred for consideration of multi-agency management at MAPPA Level 2 or Level 3. It also takes into account the Integrated Case Management (ICM) system developed by the Scottish Prison Service (SPS) for the supervision of prisoners.

2 Where an offender is subject to the Sex Offender Notification Requirements (SONR), and is also serving an [Order for Lifelong Restriction \(OLR\)](#) sentence, the responsible authorities will have regard to the requirements as detailed in the Standards and Guidelines for Risk Management (Risk Management Authority 2013).

Key Stages of the MAPPA

3 There are five key stages:

- Stage 1 Identification of offender and notification.
- Stage 2 MAPPA referral.
- Stage 3 Pre-meeting information sharing.
- Stage 4 MAPPA meeting.
- Stage 5 Exit from MAPPA.

STAGE 1: Identification of offender and notification

4 **The process and timescales for identification and notification of relevant offenders (Stage 1) is explained in full in Chapter 4 of this guidance.** Stage 1 relates to all offenders who fall within the remit of the MAPPA at any particular time, regardless of the level at which they will be managed.

STAGE 2: MAPPA referral

Referral to multi-agency risk management - Level 2 or Level 3.

5 A referral to MAPPA Levels 2 or 3 must be informed by the current risk assessment and the proposed risk management plan.

Community sentence and other types of referral

6 As outlined in chapter 4 the lead responsible authority must submit a notification form to the MAPPA coordinator within three working days of being notified of a community sentence disposal. The form must contain sufficient information to support the rationale for management at the recommended MAPPA Level. Should a decision be made to manage the offender at MAPPA Level 2 or 3 then a referral must be submitted to the MAPPA coordinator within **five working days** of submission of the notification form.

7 Multi-agency risk management can require a significant resource and should only be used where this level of collaboration and coordination is necessary and proportionate to the management of the risk of serious harm. Any decision to refer an offender into Level 2 or Level 3 must be on the basis that a coordinated multi-agency response by senior staff is necessary and proportionate to manage the risk of serious harm.

8 For those offenders subject to a community disposal, or under supervision or notification requirements in the community, a referral may be made either by the police or CJSW at one of the two following points:

- at the time of the first risk assessment and development of the management plan; or
- at any point during the period of the order, supervision or notification requirement where the level of risk appears to have significantly increased.

Referrals from custody

9 The decision to refer to the MAPPA process at Level 2 or 3 will be discussed and agreed at the pre-release ICM case conference as part of the risk assessment and risk management process. The police and other agencies can be invited to attend ICM meetings where appropriate. SPS must send the MAPPA coordinator a notification/referral as soon as possible **and not less than ten weeks** prior to release, unless there are extenuating circumstances, following the pre-release ICM case conference. **See Chapter 12 for further detail on ICM and offenders within the prison system.**

10 A referral form is contained within the MAPPA document set attached to this guidance.

Practical considerations for MAPPA referrals

11 The responsible authority will complete the referral form providing all relevant information and submit, within the timescales laid out in paragraphs 6 and 9, to the coordinator to allow them to make an informed decision.

12 On receipt of a referral the MAPPA coordinator will decide if the circumstances meets the criteria for inclusion in MAPPA Level 2 or Level 3 based on the information provided.

13 If the referral is accepted, the coordinator will confirm this to the responsible authority and arrangements will be made by the coordinator to progress the case to the initial Level 2 meeting/Level 3 (MAPPP). Timescales for this are provided at paragraphs 22 and 23.

14 If the coordinator does not accept the referral then as soon as possible this should be notified to the referring responsible authority outlining the reasons.

15 In the absence of the coordinator (e.g. on annual leave), the responsible authorities will ensure that there are mechanisms in place for such decisions to be made.

16 Where there is disagreement as to the MAPPA level and this cannot be resolved the final decision will be made by the local MAPPP designated leads from the local authority, police and health, and their rationale will be accurately reflected in the minutes. In cases where, after resolution, it is decided that the matter should be managed at Level 1, then the rationale for the decision will be recorded on ViSOR by the coordinator.

17 It should be noted that those offenders who are subject to both the SONR and statutory supervision do not necessarily require management at MAPPA Level 2 or 3, although good Level 1 practice would require the police and CJSW to coordinate their respective activities via an agreed risk management plan.

STAGE 3: Pre-meeting information sharing

18 Prior to Level 2 and 3 meetings the agencies will share information held about the offender. The information sharing process is managed by the coordinator, (see chapter 7 and annex 5).

Pre-meeting information sharing makes certain that:

- all responsible authorities and relevant Duty to Cooperate (DTC) agencies are aware of the referral;
- all agencies have an opportunity to identify and share relevant information that they hold;
- it reduces the amount of time spent exchanging information at Level 2/Level 3 (MAPPP) at the meeting allowing the focus to be on the issues of risk assessment and risk management; and
- there is clarification of the threshold for Level 3 (MAPPP).

Information sharing

19 The information included in the referral will be passed to identified contacts within the responsible authorities and relevant DTC agencies directly by the MAPPA coordinator. This requires the receiving agencies to have a single point through which this information can be securely passed.

20 The receiving agency will search their agency records for all relevant information about the offender, or victim, or potential victims. The search should be undertaken and the response completed as a priority task, and in any case, both will be completed and forwarded within **five working days** to the MAPPA coordinator, in the following terms:

- If nothing found - no trace/negative reply.
- If material found but not relevant - positive trace/negative reply.

- If material found and relevant - positive trace/positive reply and share the relevant information with either the managing agency or the MAPPA coordinator (as directed) for the sole purpose of public protection and reducing the likelihood of reoffending.
- If material found and relevance not clear - positive trace/further consideration required.

21 Those operationally responsible for the management of the offender should liaise with the local authority Sex Offender Liaison Officer (SOLO) in relation to accommodation and environmental scanning arrangements as set out in the [National Accommodation Strategy for Sex Offenders \(NASSO\)](#).

STAGE 4: MAPPA meeting

Initial Level 2 and Level 3 meetings

22 For those offenders in the community an initial Level 2 meeting must be held within **twenty working days** of receipt of referral by the MAPPA coordinator or their administrator.

23 An initial Level 3 meeting must be held within **five working days** of receipt of referral.

24 For those offenders in custody or being managed within the Care Programme Approach (CPA) the initial Level 2 or Level 3 meeting must take place prior to their release/discharge into the community. Further information about the CPA is contained within chapter 14.

25 The product of pre-meeting information exchanges should be compiled and provided in advance of the meeting to all agencies attending an initial Level 2 or Level 3 meeting to allow for suitable preparation. The purpose of the meeting is to:

- bring additional information or assist agencies to assess the relevance of existing information;
- Review and establish agreement regarding the development and implementation of a Risk Management Plan including ensuring;
 - The analysis of the risk of serious harm has identified the risks;
 - That the identified risk management strategies and activities are implemented in line with professional role and competence;
 - That decisions are taken to address any obstacles to the delivery of the RMP and uninterrupted service provision;
- consider whether the MAPPA level should increase or decrease;
- set a formal review date for the risk management plan.

Organising appropriate attendance at Level 2 or Level 3 meetings

26 The MAPPA coordinator will identify which agencies are central to the delivery of the risk management plan and arrange for their attendance.

27 As well as senior representatives from the responsible authorities, supervising social workers and police officers can be invited to attend where appropriate.

28 The MAPPA coordinator can maximise agency involvement by organised scheduling of meetings and, where necessary, by the use of video conferencing. All agencies should be represented by senior personnel who understand the strategies for minimising or reducing risk of serious harm, and who have the authority to implement appropriate strategies agreed at the meeting on behalf of their agency.

29 The Chair should make sure that the meeting is focused on systematic assessment based on identified risk factors. The Chair should summarise the risk factors and provide direction on the actions and resources required to appropriately manage the case.

30 A review meeting should be scheduled to assess progress against the risk management plan. The timing of this review will reflect the individual circumstances of the risk management plan and should be agreed at the initial meeting. There are however minimum standards in respect of review periods as follows;

- Level 2 cases will be reviewed no less than once every 12 weeks;
- Level 3 cases will be reviewed no less than once every 6 weeks.

31 All agencies have a responsibility to report to the MAPPA coordinator any information that indicates a change in risk whenever that occurs.

32 Further information on Level 2 and Level 3 (MAPPP) is provided in chapter 5.

STAGE 5: Exit from MAPPA

33 It is recognised that the notification period has no bearing on the risk presented and the need to manage that risk, however, the exit of an offender from MAPPA is determined by the length of the SONR, or alternatively under the provisions of The Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011. More information on the 2011 Order is available in Chapter 16.

34 The lead agency must notify the MAPPA coordinator when an offender is nearing the end of their SONR and about to exit the arrangements. This notice should be provided with sufficient time to allow for a review of the circumstances to confirm whether continued management through MAPPA is justified and necessary.

35 In a small number of cases the offender may be assessed as still posing a significant risk of serious sexual harm to the public at the point they would normally leave the MAPPAs. In these cases consideration should be given for the application of a Sexual Offences Prevention Order under the terms of Section 104 of the Sexual Offences Act 2003, which carries an automatic SONR provision.

36 Where an offender exits the arrangements the coordinator must update the relevant ViSOR record accordingly.

Restricted Patients

37 Unless a restricted patient remains subject to MAPPAs by virtue of a SONR he/she will cease to be subject to MAPPAs in the following circumstances:

- Return to prison of a transferred prisoner (Section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003)
- A prisoner reaching his Earliest Date of Liberation during detention in hospital
- A Hospital Direction patient being returned to prison (Section 59A of the Criminal Procedure (Scotland) (Act) 1995)
- A Hospital Direction patient reaching his EDL
- A Mental Health Tribunal revoking the Compulsion Order which has the effect of revoking the restriction order (Section 57A and section 59 or section 57(2)(a) and (B) of the Criminal Procedure (Scotland) Act 1995
- A Mental Health Tribunal revoking the Restriction Order but retaining the Compulsion Order

7 MAPPA COORDINATION

1 Coordination is a crucial element of the MAPPA and ensures that the relevant functions of the framework operate effectively.

MAPPA coordinator responsibility

2 The coordinator's role is a dedicated function undertaken on behalf of the responsible authorities. The coordinator is accountable to those operating the arrangements through the local MAPPA Strategic Oversight Group (SOG).

3 The post is designed to ensure that multi-agency risk management processes are quickly and efficiently applied to the right people.

4 The remit of the MAPPA coordinator includes the responsibilities listed in Annex 5 and will not extend to responsibility for areas that fall within the remit and responsibility of the individual agencies.

5 The coordinator facilitates the responsible authorities in their statutory responsibility to do the following:

- Receive details of all offenders who are subject to the Sex Offender Notification Requirements (SONR) and those who are restricted patients for whom a multi-agency risk management plan is necessary in order to manage risk;
- Make referrals of sex offenders and restricted patients who pose a risk of serious harm which needs to be managed at either Level 2 or Level 3;
- Share information relevant to the management of the risk of serious harm with other agencies within MAPPA on the basis that the information will be held securely and used by appropriate personnel within those agencies for public protection purposes only;
- Help determine if their agency is a core partner in terms of the delivery of risk assessment and risk management plans;
- Receive the risk management plans and minutes from all relevant Level 2 and Level 3 meetings, showing clearly the status of each offender, the agencies which are delivering components of the plan, timescales, review arrangements and the point at which the offender exits the multi-agency risk management process;
- Provide a single point of contact for advice on all aspects of MAPPA.

MAPPA meetings

6 The broad aims of a MAPPA Level 2 or 3 meeting are to:

- bring additional information or assist agencies to assess the relevance of existing information;

- Review and establish agreement regarding the development and implementation of a Risk Management Plan including;
 - ensuring the analysis of the risk of serious harm has identified the risks.
 - ensuring that the identified risk management strategies and activities are implemented in line with professional role and competence.
 - ensuring that decisions are taken to address any obstacles to the delivery of the Risk Management Plan and uninterrupted service provision.
- consider whether the MAPPA level should increase or decrease;
- set a formal review date for the risk management plan.

7 Where an offender is subject to the SONR and is also serving an [Order for Lifelong restriction \(OLR\)](#) sentence the meeting should have regard to the requirements as detailed in the Standards and Guidelines for Risk Management (Risk Management Authority 2013).

8 All of the documentation relevant to the MAPPA Level 2 or 3 meeting should be distributed in advance of the meeting to allow the attendees sufficient time to pre-read and familiarise themselves with the case. Pre-reading and familiarisation will better facilitate the discussion at the meeting to focus on risk assessment and formulation of the risk management plan and contingency measures.

9 It is important that MAPPA meetings are well organised and that accurate records of them are made and retained. To support this a standard MAPPA minute and risk management plan template is included within the MAPPA document set attached to this guidance. The template is supported by completion notes which provide detail and explanation on each stage of the process.

10 The completed minute template and risk management plan should be added to the ViSOR system to provide a consistency of approach to this critical part of MAPPA practice.

MAPPA Minutes

11 The sufficient provision of minute takers is a matter for the responsible authorities and the MAPPA SOG, in consultation with the MAPPA coordinator. It is important that an accurate record of the discussion and the decisions taken at the meeting are made and retained. It is important to record the debate and to evidence the reasoning for or against a particular course of action. The minute should be sufficiently detailed to allow any subsequent inquiry to gauge whether: *'everything that could reasonably have been done to prevent offenders from reoffending was actually done'*.

12 Completion notes accompany the Minute and the Risk Assessment and Management Plan templates within the document set of this guidance, however it is advisable to clarify:

- that the Minute is a record of a meeting held under the auspices of the MAPPA and therefore that those attending understand the basis upon which the meeting is held - including the confidential nature of the proceedings and the Minutes;
- who attends the meeting and in what capacity;
- the identity of the offender and whether the meeting is the initial, or further review of the offender;
- that discussions relevant to the assessment and the management of risk, including disclosure are captured in the relevant section of the Minute and RMP template;
- that the rationale for the strategy to manage each identified risk is recorded. Where a particular course of action is considered but not taken, for example third party disclosure, the reasons for not taking that action should also be recorded.

13 The identified risks and the strategy for managing the risks will be laid out in the risk assessment and management templates contained in the document set to this guidance.

14 Where there are changes proposed to the risk management plan which require an alteration to the offenders existing licence conditions, a report must be submitted by the supervising officer to the Parole Unit of the Criminal Justice and Parole Division of the Scottish Government. This should not be submitted directly to the Parole Board. The responsible authorities cannot change licence conditions. Similarly, if a Sexual Offences Prevention Order (SOPO) is in place, representation should be made to the police for them to seek to have the SOPO conditions amended.

15 The draft Minute should be produced within **five working days** and following clearance from the MAPPA Chair, sent securely to relevant representatives. Any comments should be returned without delay to allow production of the final Minute within a further **five working days**. This will ensure production of the documents within **ten working days**.

16 The MAPPA Minute is always 'OFFICIAL' and may be 'OFFICIAL-SENSITIVE' under the terms of the revised Government Security Classifications. If agencies do not have access to ViSOR, they must determine how they will store the Minutes securely and in line with the classification requirements. They will outline how other agency personnel can access them in the event of an emergency. Further details on the subject of information storage and security can be found within Annex 2.

17 The MAPPA meeting Minute will be stored on the ViSOR system. An agency cannot share these documents widely with its personnel unless this has been agreed by the Chair of the MAPPA meeting.

18 To support the production of an accurate Minute in the highest level meetings, the proceedings may be audio recorded. The recording will be used by the Minute taker to prepare the Minute and RMP. Reference should be made to local procedures in respect of the secure storage of the audio recording which should be regarded as confidential. The audio recordings must be destroyed once the final Minute has been agreed and produced.

Disclosure of MAPPA Minutes

19 The MAPPA meeting Minute must not be shared or copied without the prior approval of the Chair of the meeting. Where there is a request for a copy of the Minute from a third party this must be referred to the MAPPA meeting Chair and the MAPPA coordinator.

20 Where a request has been received for a submission to a Mental Health Tribunals the following information may be shared: *A MAPPA meeting was held on [date]. MAPPA Level is []. The MAPPA group support the recommendation by the RMO for [unescorted SUS/conditional discharge/revocation of the restriction order].*

21 For those Mental Health Tribunals considering conditional discharge (CD), revocation of the compulsion order (CO), or revocation of the restriction order (RO), the restricted patient team will e-mail the relevant MAPPA coordinator to request that a Minute Executive Summary be prepared for lodging at the Mental Health Tribunal (which in turn will be copied to the patient and other parties). A Minute Executive Summary template can be found within the document set attached to this guidance.

22 Requests for disclosure of the MAPPA Minute by an offender or their legal representative should be treated as a Subject Access Request (SAR) authorised under the Data Protection Act. The coordinator and the Chair of the meeting will consult with the other agencies who attended the meeting and consider whether the information can be released on the grounds provided by the Data Protection Act. The lead responsible authority should always seek advice from their information security officer/data protection officer before responding to such requests.

23 There should rarely be a need to disclose the Minute in its entirety to anyone not party to the meeting. All formal requests for the disclosure of the Minute must be responded to. All requests and decisions relating to disclosure of the Minute must be recorded on case management records including the ViSOR system.

24 Where the Minute is to be provided, the MAPPA meeting Chair will complete a Minute executive summary along with a covering letter. A template for both

these documents can be found within the MAPPAs document set attached to this guidance.

25 The Minute is a record made and kept for a specific purpose. It should not be used for any other purpose unless there is a clear and compelling reason to do so and which does not compromise the integrity of professional practice and the law. The Minute may contain personal information about third parties as well as the offender, including information about members of staff of the agencies involved. There is a requirement for that information to be restricted and not disclosed to third parties.

Offender involvement

26 While the offender will not be involved in the MAPPAs meeting there should be a clearly stated mechanism for communicating with the offender both before and after the meeting. This will fall to the lead responsible authority, i.e. the supervising officer or police officer with responsibility for the case. Engaging the offender in the reality of risk management reflects the critical contribution an offender can make to changing their offending behaviour and for taking responsibility for their actions. The offender must be aware that they are being managed through the MAPPAs and what the implications of that are.

Review meetings

27 The review meeting will primarily be a review of the risk management plan. Members will verify if the actions have been implemented and assess their effectiveness. The meeting will consider if there is new information that changes the existing risk assessment and plan and it is only within this meeting that the decision to amend the level at which the offender is managed can be taken.

28 The responsible authorities and DTC agencies have an on-going responsibility to inform the lead agency and the MAPPAs coordinator as soon as they receive information that indicates a change in the risk of serious harm posed by an offender, in either a positive or negative manner. A meeting must be arranged as soon as possible to review the circumstances.

29 The minimum standards in respect of review meetings are as follows;

Level 2 - reviewed no less than once every 12 weeks.

Level 3 - reviewed no less than once every 6 weeks.

Chairing of MAPPAs meetings

30 The Chair of a MAPPAs meeting should possess the necessary skill, knowledge and experience required for the role. All Chairs should receive the requisite training and undertake an induction period alongside an experienced Chair.

31 The expectation is that Level 2 meetings will be Chaired at a minimum level of police Inspector or social work equivalent. Level 3 meetings will be chaired at a minimum level of Chief Social Work Officer, or a suitably qualified designated person, or by a police Superintendent. A MAPPA meeting can also be chaired by a Scottish Prison Service Governor or a suitably qualified representative, or a suitably qualified health representative.

32 The MAPPA Chair is the facilitator, leader and decision-maker, ensuring that the identification of the risks, and the production and appropriate review of the MAPPA Risk Management Plan is conducted in an effective and efficient manner. The role of the Chair is to make sure;

- The agenda is followed and all items are fully discussed;
- The meeting is properly recorded and the Minute circulated within the specified timescales;
- The risk management plan is reviewed;
- The meeting considers a full analysis of the risk of serious harm;
- The meeting runs to the time allocated and the time allowed is sufficient to address the issues;
- The regulations and rules are adhered to; and
- Where an agency fail to attend a meeting this will be followed up with the respective agency locally. A record of non-attendance should be maintained.
- Where non-attendance affects the ability of the meeting to fulfil its function, any resultant limitations to the risk assessment and RMP are identified and acknowledged.

To achieve the above the chair will:

- Enable appropriate contributions from all participants;
- Summarise key points;
- Test for consensus;
- Note and record areas of disagreement;
- Decide options for moving forward; and
- Agree a MAPPA Risk Management Plan.

8 INFORMATION SHARING, CONCORDAT AND PROTOCOLS

1 In 2001, an Expert Panel, chaired by Lady Cosgrove, published a report entitled Reducing the Risk: Improving the Response to Sex Offending. The Expert Panel recognised that a large number of agencies, including the police, prosecutors, the court service, Scottish Prison Service, Criminal Justice Social Work, as well as housing, health and education authorities play a role in managing the risk posed by sex offenders.

2 The panel concluded that these agencies (working with voluntary sector partners) have a duty to deliver the safer environment which communities expect and deserve but that there is a tendency for individual agencies to focus their attention on improving their internal procedures rather than working together. This can result in vulnerabilities in the system.

3 The panel therefore called for a programme of action where:

- Each organisation has a clear understanding of its own role and responsibilities in relation to sex offenders;
- Agencies and organisations who work with sex offenders work together to overcome the risks which sex offenders present;
- Institutional barriers which prevent a more effective coordination of practices and integration of services are tackled; and
- The practical and operational difficulties which exist are addressed.

4 In particular, the panel highlighted the importance of sharing information.

National Concordat on Sharing Information on Sex Offenders

5 In order to fulfil the aspirations of the panel report, a multi-agency Information Sharing Steering Group took forward the information management recommendations of the report to ensure the effective and efficient flow of information between key agencies by developing protocols, guidance and strategies.

6 As a result the National Concordat on the Sharing of Information on Sex Offenders was developed and published. In signing the Concordat, agencies from all spectrums of the justice system and statutory and non-statutory organisations involved in the management of sex offenders agreed to work to a set of principles and working arrangements. This was intended to improve the systems and procedures to ensure that public safety is given the highest priority by ensuring that all relevant information is shared within the tenet of existing legislation.

7 These agencies and bodies include the responsible authorities and those defined under the duty to cooperate (DTC).

Protocols

8 Importantly, the Concordat requires all agencies involved to use agreed definitions and to develop detailed information sharing protocols under which the flow of information is to be managed. Protocols allow each agency to be clear about, and address their legal obligations, for sharing of information under the Data Protection Act 1998 (DPA) and other legislation.

9 Guidance on the development and content of protocols can be found in the Scottish Executive Justice Department Circular 15/2005 issued in November 2005 to those agencies and bodies who signed the Concordat. This guidance also covers agencies that are not involved directly in the MAPPA arrangements.

10 Health also issued the Concordat guidance under cover of NHS HDL (2006) 9 issued in February 2006 to NHS boards and the State Hospital Board.

11 It should be recognised that most agencies will require to be involved in the development and operation of bi-lateral and multi-lateral protocols. Protocols are a major factor in the DTC and should be developed as part of the Memorandum under section 10(5) of the Management of Offenders etc. (Scotland) Act 2005.

12 In 2009, the multi-agency inspection report [Assessing and managing high risk of harm offenders](#) again reiterated the requirements for agencies to share information in respect of high risk of harm offenders and acknowledged the commitment of agencies to do so.

Communication, record keeping and action

13 The effective management of offenders who pose a risk of harm to the community requires a set of complex arrangements to be put in place by a number of agencies to address individual needs and circumstances and, most of all, to ensure that public protection is maintained.

14 Investigations into high-profile cases have identified poor communication and lack of continuity as major factors in contributing to the failure to properly assess risk and develop management plans at an early stage and to monitor and address changes in risk and adjust management of the offender, as required.

15 The Concordat, protocols and memorandum are intended to provide the basis on which each agency will agree to fulfil its role. These roles can only be delivered effectively if clear lines of communication are established between the responsible authority and DTC agencies.

16 ***Whether information should be shared and, if so, what information and to whom, must be decided on a case-by-case basis. That said, the presumption should be that in cases where there is a risk of harm to the public, information should be shared.*** The UK Information Commissioner's

Office (ICO) regulates the DPA and provides advice and guidance on data sharing. This includes a statutory Data Sharing Code of Practice.

17 Confidential, appropriate and effective sharing of information is a very important part of the DTC. The effectiveness of information sharing arrangements reflect the effectiveness of cooperation within the MAPPAs as a whole. However, not all the information shared will be personal information, that is the information covered by privacy laws; the common law duty of confidentiality; the protection of personal information required by the DPA, and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. This part of the Guidance relates only to sharing personal information.

Data Protection Act 1998

18 The Data Protection Act 1998 requires that personal information:

- i. Must be fairly and lawfully processed
- ii. Must be processed for limited purposes
- iii. Must be adequate, relevant and not excessive
- iv. Must be accurate and up to date
- v. Must not be kept for longer than is necessary
- vi. Shall be processed in line with the data subjects' rights
- vii. Must be secure
- viii. Must not be transferred to other countries without adequate protection.

19 Critical to the justification of information sharing are the twin requirements of necessity and proportionality. The necessity criterion requires that there is a pressing public protection need. The proportionality criterion requires the information shared must be only that information necessary to achieve the purpose for which it is being shared. Further explanation of this is provided below.

20 To identify the purpose of sharing information and to ensure that the agencies' obligations to retain and use the information lawfully are fulfilled, it is helpful to keep the following in mind. The persons with whom information is shared must know:

- Is a Privacy Impact Assessment (PIA) required?
- Is the information personal or otherwise sensitive?
- Is the sharing of the information lawful and fair?
- Is there an existing data sharing agreement?
- Who is authorised to see the information (need to know)?

- Will the data sharing deliver benefits?

Management of Police Information (MOPI)/information security

21 Guidance on the management of police information and information sharing with partner organisations can be found within the [Management of Police Information \(MOPI\) Partners version](#).

22 It is vital that information is shared and stored securely as much of the information within the MAPPA process will be of a sensitive nature.

Government Security Classifications

23 The Government Security Classifications replace the previous Government Protective Marking Scheme from April 2014. The new classifications are a simplified approach with increased emphasis on risk management and judgement. They set out common standards for the protection of documents and other material, including data held on computer and electronic recording systems, against accidental or deliberate compromise. It defines different security classifications and all relevant documents should be labelled on the top and bottom of each page with the relevant classification. See annex 2 for further details.

24 MAPPA notification and referral forms, minutes and risk management plan documents should be protectively marked as appropriate.

25 MAPPA documents should not be marked with a classification of secret or top secret. A description of the classification and further links can be found at Annex 2.

Information sharing - health considerations

26 If MAPPA documents are marked appropriately in terms of the Government Security Classification then NHS net can be used to transmit documents between the NHS and other agencies. Within the NHS, MAPPA documents must be stored in accordance with the classification, either physically or electronically. Within the hospital environment, MAPPA records are held separately from the patients records, however, if considered appropriate, a summary, containing relevant information, may be included within the patients records. This is recognised as good practice and should be reflected in the processes employed by General Practitioners. Documents or letters outlining key points may be useful ways to ensure that relevant information is made available to appropriate health service staff where this is necessary without transmitting full MAPPA documents.

27 If MAPPA documents are shared with staff who do not have access to a method of storing documents in keeping with the security classifications, then after the documents have been read they should be destroyed.

Department for Work and Pensions (DWP) (JobcentrePlus)/and the Child Maintenance and Enforcement Commission ('the Commission').

28 The Management of Offenders etc. (Scotland) Act 2005 (Disclosure of Information) Order 2010 and circular JD 5/2010 sets out the conditions under which information may be disclosed between the Secretary of State for Work and Pensions, (DWP) (Jobcentre Plus), the Child Maintenance and Enforcement Commission (the Commission), the responsible authorities and duty to cooperate agencies in the MAPPA. Albeit the DWP and the Commission are not DTC agencies.

29 In practice, there are three ways by which the responsible authorities can obtain information from JCP/DWP, namely:

- A Section 29 notice under the terms of the Data Protection Act 1998. This is the means by which the police routinely access JCP/DWP information for the prevention and detection of crime;
- The DWP/ACPOS Memorandum of Understanding in relation to tracing missing sex offenders; and
- Notifications under the terms of The Management of Offenders etc. (Scotland) Act 2005 (Disclosure of Information) Order 2010. This piece of legislation is intended to restrict the placing of offenders in inappropriate employment or training and to provide a legislative mechanism by which the JCP/DWP can make the responsible authorities aware of employment and training information which may affect the risk assessment of an offender subject to the SONR.

30 Each piece of legislation has its own defined uses and the appropriate legislation should be used when circumstances dictate.

9 DISCLOSURE

1 For the purposes of this guidance, information sharing is the sharing of information between all agencies involved in MAPPA. Disclosure, on the other hand, is the sharing of specific information about a MAPPA offender, with a third party (not involved in MAPPA), for the purposes of protecting the public.

2 Examples include where there are child protection concerns, or where the offender is employed in work in which affords them inappropriate access to children or vulnerable people. The disclosure of an individual's status as a sex offender can take place in three ways in Scotland, namely:

- The sex offender can self-disclose;
- A disclosure can be made on the authority of the chief constable; and
- A disclosure can be made by social workers.

3 The legal context within which disclosure decisions are taken is continually evolving and it is for the courts to give an authoritative statement of the law. A balance needs to be struck between on the one hand protecting the public, particularly children and adults at risk, and the maintenance of law and order, and on the other hand the protection of the offenders legal rights and any duty of care to them and their families.

4 There are various areas of law which are relevant to disclosure decisions, including:

- The common law duty of care on the way in which agencies exercise their functions;
- The law relating to confidentiality of information;
- The law on data protection;
- The European Convention on Human Rights, especially the right to the protection of private and family life; and
- The law on defamation.

5 Discussions and decisions to disclose information should be taken on a case-by-case basis, taking into account:

- The nature and pattern of previous offending behaviour;
- Offender compliance with previous sentences or Court Orders;
- Any behaviour which may indicate a likelihood that the offender will reoffend;
- The risk that further offences will be committed;
- The harm such offences would cause;
- The potential adverse consequence of disclosure to the individual and their family and the need to consider whether they are vulnerable;

- The effect of further disclosure on the level of risk posed by the offender and the potential consequences;
- Licence or Community Payback Order conditions to which the offender is subject;
- The possibility of the offender absconding as a result of disclosure; and
- A plan to manage the risk posed by the offender following disclosure.

6 In all cases, practitioners should refer to their own organisations guidance in respect of disclosure matters.

Social Work disclosure

7 Children and families social workers have the authority under the terms of the Children (Scotland) Act 1995 to disclose information to parents, carers or guardians when they consider that a child may be at immediate risk.

8 That said, it is the role of MAPPAs to bring together the responsible authorities to discuss the risks posed by the offender, the immediacy of the risk and the best methods to minimise that risk. The decision to disclose information should be within the remit of the MAPPAs and part of the risk management plan with the police and social work working collaboratively for the safety of a child or any other member of the public considered to be at risk.

Chief Constable disclosure

9 If it is inappropriate for Social Work to disclose, perhaps where the disclosure relates to employment for example, the Chief Constable may authorise disclosure to an appropriate person. Such a proposal should be discussed and assessed by MAPPAs partners before any disclosure takes place in accordance with the usual information sharing protocols (ISPs) unless time does not permit such discussion. Further guidance relating to chief constable disclosure is contained in the Police Service of Scotland document; Public Interest Disclosure, Standard Operating Procedures 2014.

10 IMPACT ON VICTIMS

Impact on victims

1 The primary focus of the MAPPA is the risk posed by, and the behaviour of, the offender. In assessing that risk, account needs to be taken of the possible impact of an offender's behaviour on victims of the original offence or offences, as well as the possibility of there being new victims. There are references to victims throughout the MAPPA Guidance, however, this chapter gives a more general description of victim's issues.

Existing victims

2 The risk posed to an existing victim will depend on a range of factors, including the nature of the original offence, the relationship between the offender and the victim and the current location of the victim. Victims can include not only those most easily identified as the victim(s) but those who, whilst not directly involved with the offence itself, have been seriously affected by it - the family of a murder victim, for example.

3 Where there is, or was, an established relationship between the victim and the offender, great care has to be taken to assess the likelihood of the offender attempting to contact the victim, that assessment needs to consider, amongst other things, the proximity of the victim and offender and the chances of them meeting, inadvertently or otherwise.

4 Even when an offence was apparently random and it is deemed unlikely that an offender will seek to contact a particular victim, the victim may be fearful or distressed about the possibility of meeting the offender. Consequently, as part of the MAPPA process consideration should be given not only to the risks posed by an offender to existing victims, but also taking steps to minimise victims' anxiety and, where appropriate, provide reassurance.

Potential victims

5 The possibility of new victims, or, of course, the possibility of existing victims being targeted once more; needs to be considered; it is this that sharpens the focus of risk assessments, which, if they are to be of any use, need to identify anyone who is at risk. In some cases these may not be any named individual(s) but people who are vulnerable by virtue of their location, age, gender, race, religion, sexuality or other distinguishing characteristic. The risks an offender may pose to some particularly vulnerable people, such as children, will require effective links between the responsible authorities and other agencies.

Rights of victims

6 Victims already have some rights to be notified about the release of an offender. The Victim Notification Scheme (VNS) introduced by section 16 of the Criminal Justice (Scotland) Act 2003, confers on victim's in cases - where the

victim's assailant has been sentenced to 18 months or more in prison - the right to apply to be notified:

- of the date the person is to be released (other than temporary release);
- if the convicted person dies before release, the date of death;
- that the convicted person has been transferred out with Scotland;
- that the convicted person has become eligible for temporary release;
- that the convicted person is unlawfully at large; and
- that the convicted person has, for any reason, in respect of a sentence, returned to a prison or young offenders institution before that sentence has been served in full.

7 In cases where the victim's assailant is sentenced to four years or more in prison, they also have the right to apply to:

- receive certain information regarding Parole Board review hearings and licence conditions from the Parole Board; and
- make representations to the Parole Board prior to a decision being taken on the release (and the licence conditions) of the offender and, in certain circumstances, to make representations to the Scottish Ministers prior to a decision being taken by them on licence conditions and to receive certain information concerning licence conditions from the Scottish Ministers.

8 In cases where the victim has died, the VNS allows information to be shared with up to four of the victim's nearest relatives; the list of eligible relatives and the hierarchy of priority is set out in section 14(10) of the Criminal Justice (Scotland) Act 2003.

9 The legislation provides a lawful basis for the disclosure of information to victims (within the limits set out in the Act). The Victim Notification (Prescribed Offences) (Scotland) Order 2004 and the Victim Notification (Prescribed Offences) (Scotland) Amendment Order 2009 prescribe the offences covered by the VNS.

10 It is important to note that not all victims apply to the VNS, and some of those who have done so do not keep SPS informed of any change in address. Moreover, the VNS does not apply to victims whose case has not been proven in court, for example, a serial rapist might be prosecuted for specimen offences and victims of offences that were not prosecuted would not be eligible to join the VNS. Finally, victims of offences where the offender was sentenced prior to 1997 (which was when the SPS introduced an administrative victim notification scheme) although eligible to join VNS may not be aware of their right to do so.

Support and information for victims

11 Even in cases that date back many years, victims may be supported by a support organisation, and may feel it helpful to have that organisation involved if agencies are in contact with them about the MAPPA process. Even if victims are not being currently supported, it may be helpful to consider suggesting the involvement of a support agency when victims are being approached, particularly if the victim is vulnerable. Typically, Victim Support Scotland or Women's Aid and Rape Crisis services offer support to victims, but there are a range of other agencies that might be involved in providing practical and emotional support to victims.

12 In addition to voluntary agencies, Victim Information and Advice (VIA) which is part of the Crown Office and Procurator Fiscal Service, provides factual advice and support to victims of certain crimes including sexual offences and to the families of homicide victims on the progress of their case, from the time that it is reported to the Procurator Fiscal through to the trial. If the offender lodges an appeal, victims will normally be kept informed of developments by the local Procurator Fiscal's office.

Conclusion

13 The challenge for the MAPPA is to ensure that the risk assessment and risk management plan developed by the responsible authorities for the offender takes full account of the known concerns of any specified victim(s). The responsible authorities must satisfy themselves that they have thoroughly considered the potential risks to which any victim may be exposed and put in place appropriate robust plans to minimise the likelihood of the offender causing further serious harm. The sharing of information relating to the victim(s) by the responsible authorities plays a central role in making this aspect of the MAPPA process successful. Such an approach will, for example, minimise the likelihood of an offender being released from custody and being accommodated within the same neighbourhood locality as a victim. Where appropriate, reassurance should be provided, especially to existing victims. Clearly, contacting victims in any circumstances, particularly those most vulnerable, will be a sensitive matter which requires careful handling.

11 NATIONAL ACCOMMODATION STRATEGY FOR SEX OFFENDERS (NASSO)

Housing agencies

1 Housing agencies include both local authority housing services and Registered Social Landlords (RSL).

Local authority housing services

2 Local authority housing services form part of one of the responsible authorities.

3 Local authorities (including those who have transferred their housing stock) are responsible for ensuring the development of a strategic response to the housing of offenders subject to the SONR. To do so they must involve and talk to RSLs in their area. This should include an assessment of local need and provision for the range of housing for offenders subject to the SONR and should clarify the contribution by RSLs in their area.

4 The key housing contact in each local authority is the Sex Offender Liaison Officer (SOLO). The main aim of the SOLO role is to be the initial point of contact for housing enquiries for offenders subject to the SONR and to be the link between the responsible authorities and social housing providers under a DTC. In this role, the SOLO will:

- Identify housing providers using information about the sex offender from the responsible authorities.
- Make sure that the liaison arrangements for identifying suitable housing and supporting the management of risk by the responsible authorities includes the housing provider.
- Liaise pro-actively with responsible authorities and housing providers on ongoing risk management and community safety issues.

Registered Social Landlords

5 RSLs are DTC agencies and as such they have to cooperate with the responsible authorities. RSLs do not themselves have responsibility for assessing and managing risk. The key housing contacts in each RSL is the Link Officer. The role of each RSL is to contribute to the responsible authorities management of risk by:

- exchanging information on housing with the responsible authorities;
- allocating housing that has been assessed as suitable by the responsible authorities;
- liaising with the responsible authorities on their on-going management and monitoring of the risks the offender may pose;

- having in place arrangements with the SOLO and the other responsible authorities to deal with situations where a property is no longer appropriate and/or the offender's safety is at risk, or if there are behaviour changes that suggest that the individual poses a risk to the community.

6 Housing providers depend on effective information sharing protocols and a coordinated approach by responsible authorities. Responsible authorities must therefore ensure that:

- they have effective liaison arrangements in place with the SOLO;
- housing providers receive (through the protocols for information sharing) sufficient information to manage tenancies occupied by sex offenders;
- they consider the size and stock profile of landlords when making decisions about housing; and
- they respond effectively to on-going issues of community safety identified by housing providers.

Environmental risk assessment

7 An environmental risk assessment is used to identify housing related risk and informs decisions on the most suitable housing for each offender that will minimise the risks to the community. The assessment brings together information on the offender, proposed property and location and nearby households to enable a decision on housing an offender to be made that will minimise the risks to the community.

8 An environmental risk assessment should be done for all offenders managed at MAPPA levels 2 and 3. The lead responsible authority managing an offender at MAPPA level 1 should also consider the need for an environmental risk assessment for such offenders, taking into account the risks the offender may pose, public protection issues or the high profile nature of the case. The need for an assessment should also be considered for housing for prisoners on temporary home leave.

9 An environmental risk assessment is accurate at the time it is undertaken, but the changing nature of communities mean that the Responsible Authorities must keep risk management arrangements under constant review. Social housing providers should make sure that the Responsible Authorities routinely receive, on a case by case basis, relevant information on changing household composition in the area. Updates should be supplied within the timescales agreed with the Responsible Authorities.

10 When circumstances change the Responsible Authorities may trigger a review of an environmental risk assessment. The Responsible Authorities should agree how often they will review the environmental risk assessment where it is not otherwise triggered. The frequency should be in line with the level of risk the sex offender may pose, and as a minimum the risk assessment should be reviewed on an annual basis.

11 Further information can be found within the [National Accommodation Strategy for Sex Offenders](#) (NASSO).

12 OFFENDERS WITHIN THE PRISON SYSTEM

1 When an offender is sentenced to a period of imprisonment and the conviction requires the person to be subject to the SONR, Multi Agency Public Protection Arrangements are put in place. The Scottish Prison Service (SPS) acts as the lead responsible authority until the offender is released from custody.

2 All convicted offenders are managed via the Integrated Case Management (ICM) process which operates on two levels, Standard and Enhanced. The Enhanced ICM process applies where offenders are subject to post-release supervision (i.e. all sex offenders sentenced to six months or more in prison, all offenders sentenced to four years or more and all offenders sentenced to less than four years in prison whose conviction includes an element of post-release supervision).

3 The Enhanced ICM process represents a joint approach to the assessment and management of risk. Prison staff and prison-based social workers carry out a joint assessment of the risks presented by offenders and work together to create an individualised action plan aimed at addressing risks through a range of appropriately sequenced interventions. This process is facilitated through a case conference approach (in which the offender's participation is actively encouraged) which involves a range of professionals across the criminal justice system, including community-based social workers and, where appropriate, the police and Health.

4 Prior to progression to less secure conditions or community access, a formal notification should be issued to the police with a request for relevant information which may inform the SPS decision on progression. Early engagement with the police should also take place in cases where an offender has been assessed as posing a high risk of serious harm to the public.

Progression through the prison system

5 The risk assessments carried out as part of ICM inform decisions on how the offender will be managed both during the custodial period and upon transition to the community. An important element of this transition is progression through the prison system. Offenders may, as they approach their release date, progress to less secure conditions such as a national 'top-end' facility, where controlled access to the community is allowed to help prepare offenders for their release. This controlled access to the community may take the form of work placements and/or Special Escorted Leave.

6 The Open Estate also plays a vital role in preparing offenders for release. When transferred to the Open Estate, offenders can - in addition to work placements and escorted/unescorted leave - benefit from access to the Home Leave Scheme (provided a positive Home Background Report is submitted by community-based Social Work confirming the required community supports are in place).

7 A robust risk assessment is completed prior to progression from the closed estate. In the spirit of partnership working, the decision to allow an offender to progress is made by a multi-agency, multi-disciplinary team, Chaired by the prison's Governor/Deputy Governor.

8 It has been widely recognised that formal arrangements for managing offenders commence at the point of release. That said, however, the risk assessment process as offenders gain community access through the progression process prior to the point of release must be viewed as a continuum. Criminal Justice Agencies should ensure that appropriate steps are taken to provide an effective mechanism for ensuring the public are protected from harmful offending.

9 The decision to grant an offender access to the community prior to release from prison is owned by the SPS as the lead responsible authority. However, to ensure all relevant and appropriate information is taken into account during the decision-making process, SPS welcomes the input of community partners.

10 Prior to consideration of progression, SPS invites input from the police while community-based Social Work is preparing the Home Background Report. This is typically around **six weeks** prior to the progression case conference. At this point, where an offender is being considered for progression to less secure conditions, SPS will issue a formal MAPPA Notification to the MAPPA coordinators covering both the area local to the prison and also the area which is considered the home area of the prisoner. The home area is more likely to be aware of the background information on the offender and the local prison area will be aware of the environmental factors which will require to be considered prior to the decision being made in respect of community access.

11 Justice Directorate Circular 3/2010 provides further information in respect of the home leave process.

Pre-release/Release

12 All sex offenders, whether in custody for their index offence or otherwise, sentenced to six months or more in custody are subject to the Enhanced ICM process. Offenders subject to the Parole process are managed in a similar manner with the obvious additional considerations that surround decisions on release (i.e. in such cases, the actual release date is not known until the Parole Board for Scotland reach their decision). In this respect - for the purposes of ICM - the Parole Qualifying Date (PQD) is treated as a release date and used to schedule the pre-release case conference and issue the appropriate MAPPA Referral. Where release on Parole is refused, subsequent review dates are set (the number of reviews will depend upon the length of time between the original PQD and the Earliest Date of Liberation); these review dates will be treated in the same manner, i.e. treated as potential release dates for the purposes of ICM until the Earliest Date of Liberation is reached and the offender is released on non-parole licence. The same process applies to indeterminate sentence offenders.

13 Prior to release, the ICM (pre-release) case conference is used to establish the offender's continued level of risk and recommend the level of multi-agency management required upon release (i.e.MAPPA level 1, 2 or 3). Such considerations will be informed by the offender's response to community access (where this has been granted as part of the progression process) and to prison-based interventions.

14 Where an offender will be managed at MAPPA level 3, the SPS will attend MAPPP meetings in the community prior to release. In certain circumstances, the SPS may also attend MAPPA Level 2 meetings in the community, although this is not a formal requirement and consideration of whether SPS attendance is required (and appropriate) at Level 2 meetings is on a case-by-case basis.

15 The notification processes for offenders released from prison under MAPPA are detailed on the following pages. Further detail on the ICM process can be found at: <http://www.sps.gov.uk/Publications/Publication186.aspx>

Convicted 'MAPPA' Offender
Admitted to Prison
Serving Less Than 4 Years

Stage 1 - Notification
MAPPA Notification issued within
30 days of admission confirming
Earliest Date of Liberation [EDL]

Initial / Annual Case Conferences
[Offenders Managed via Enhanced
ICM Process]



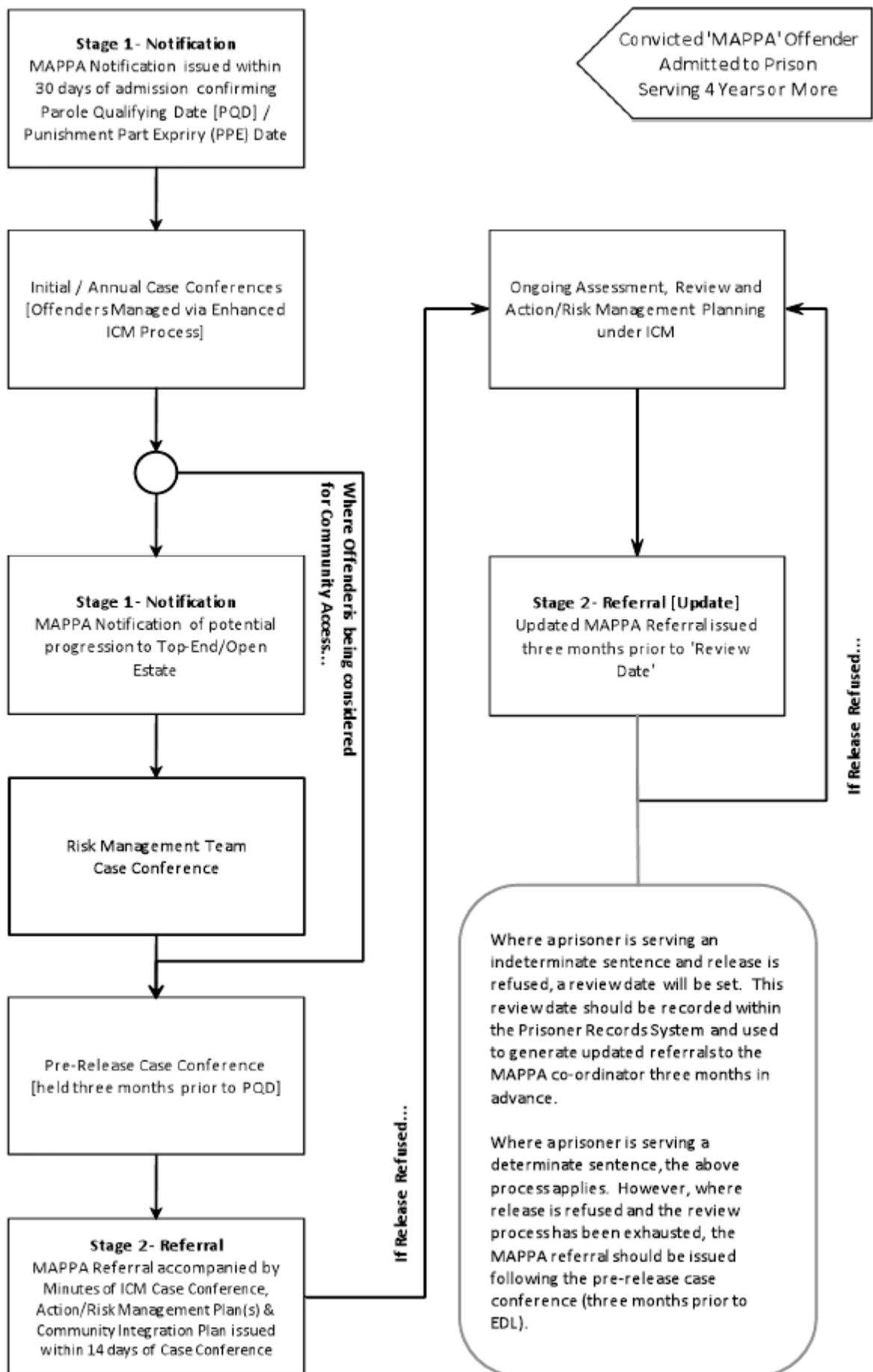
Stage 1 - Notification
MAPPA Notification of potential
progression to Top-End/Open
Estate

Risk Management Team
Case Conference

Where Offenders being considered
for Community Access...

Pre-Release Case Conference
[held three months prior to EDL]

Stage 2 - Referral
MAPPA Referral accompanied by
Minutes of ICM Case Conference,
Action/Risk Management Plan(s) &
Community Integration Plan issued
within 14 days of Case Conference



13 THE PAROLE BOARD

Background

1 The relevant legislation in relation to the release of prisoners is the Prisoners and Criminal Proceedings (Scotland) Act 1993 and applies to prisoners sentenced on or after 1 October 1993. The detailed procedures for parole consideration in relation to these prisoners are governed by The Parole Board Rules (Scotland) 2001.

Parole Board for Scotland

2 The Parole Board for Scotland is a Tribunal Non-Departmental Public Body whose members are appointed by the Scottish Ministers. The Parole Board has a number of statutory functions but operates independently from the Scottish Government. The Parole Board has no statutory powers to consider the case of a prisoner unless the case has been referred to it by Scottish Ministers. Directions made to Scottish Ministers by the Parole Board about the early release of an offender are binding, with the exception of deportation cases and applications for compassionate release where the Parole Board will offer advice only. For further information see www.scottishparoleboard.gov.uk.

3 The Parole Board only grants release in cases where the level and nature of risk is deemed to be manageable in the community; this decision is informed by the evaluation of risk assessments.

4 The type of sentence imposed will determine both at which point in the sentence the Parole Board will consider release and under what procedures the review will take place.

Parole Board Executive

5 The Parole Board Executive is responsible for the day-to-day administration of the Parole Board for Scotland. On receipt of cases from the Scottish Prison Service or the Scottish Government Parole Unit, the Parole Board Executive schedules the case for a Casework Meeting or Tribunal based on the type of case and informs all parties of the Parole Board's decision following consideration of the case.

Email: paroleboardcasework@scotland.gsi.gov.uk

Address:

*Room X5
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD*

Parole Unit

6 The Parole Unit is part of the Criminal Justice and Parole Division within the Learning and Justice Directorate of the Scottish Government. The Unit oversees casework related to parole and recalls to custody, and is responsible for advising Scottish Ministers on policy and procedure governing the release of prisoners. The Unit is directly responsible for setting the release licence conditions for prisoners whose sentences fall between six months and four years and who have been sentenced for a sexual offence.

Email: paroleunit@scotland.gsi.gov.uk

Address:

*Room X5
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD*

Parole Board - MAPPA Considerations

Information to the Parole Board

7 Six months prior to a prisoner's review date, SPS will write to the MAPPA coordinator advising that the prisoner's review has commenced and that the decision of the Parole Board should be known approximately 10 weeks before the review date. This notification will also advise the MAPPA coordinator to liaise with Criminal Justice Social Work (CJSW), who have the statutory responsibility for the reporting on the recommendation of licence conditions to the Parole Board. If the responsible authorities wish to send information to the Parole Board, this information should be passed to the relevant Criminal Justice Social Worker who should ensure that the content is sufficient to support any request.

8 Criminal Justice Social Workers preparing reports for the Parole Board must not quote a MAPPA meeting as a source of information, except with the Chair's permission. If the report writer wishes to use a specific piece of information that has been shared at a MAPPA meeting, they must first consult the agency which provided it to seek approval to use the information in the report. The information must be attributed to the agency and the content agreed with the agency representative who attended the meeting.

9 If the offender has been released on licence, is in custody and serving between six months and four years for a sexual offence or is being considered by a Tribunal of the Parole Board (life sentence prisoners and extended sentence prisoners recalled in the extension period of their sentence) then the information will be processed on behalf of Scottish Ministers through the Scottish Government Parole Unit.

10 Members of the MAPPA group should not contact the Parole Board directly.

Requests for MAPPA minutes

11 If the Parole Board requests a copy of relevant MAPPA minutes in respect of an offender being managed at Level 2 or 3, the matter should be referred to the Chair of the MAPPA meeting concerned and the MAPPA coordinator.

12 All requests and decisions relating to the disclosure of the MAPPA meeting minutes must be recorded on case management records including ViSOR. Where information is to be provided, the MAPPA meeting Chair will complete a Minutes Executive Summary and covering letter.

13 Communication in reply to the Parole Board should be through the CJSW.

Parole Board information to the MAPPA

SPS

14 Information about Parole Qualifying Dates and the Earliest Dates of Liberation are held by the SPS. These dates must be passed to the MAPPA coordinator and the community based relevant responsible authorities as soon as they are known. This will allow forward planning in respect of housing and potential risks to public protection. This should be done, even if the SPS consider that there is little likelihood of release. The dates should also be recorded on ViSOR.

Throughcare Licence Breach Report: Role of Parole Unit

15 Circular [JD/4/2008](#) sets out the format for providing throughcare licence breach reports. Subject to the recommendation made by the criminal justice supervising officer, the Parole Unit will reach a decision based upon the full facts of the case; this will include, for example, the nature of the reported breach, the individual's criminal record, history of substance abuse and, current risk assessments. Where the supervising officer makes a recommendation for an immediate recall to custody (Scottish Ministers' recall), a decision can only be made where it is expedient in the public interest to do so and where there is clear evidence to show an immediate risk of harm to the public.

16 Where it is deemed that there has been a serious breach of licence, contact arrangements are available for out of hours emergencies. CJSW Services or the police should contact the Scottish Government Security Staff Control Room (0131 556 8500) who will contact a designated member of the Parole Unit. A discussion can then take place between the supervising officer/emergency duty social worker, police and Parole Unit staff.

14 RESTRICTED PATIENTS (MENTALLY DISORDERED OFFENDERS MANAGED WITHIN THE HEALTH SYSTEM)

Introduction

1 Arrangements to ensure appropriate multi-agency assessment and management of the risk posed by certain offenders came into effect in relation to all restricted patients on 30 April 2008.

2 This guidance is intended to explain how restricted patients should be assessed and managed within the MAPPA framework. Multi-disciplinary teams caring for restricted patients should ensure that they are familiar with the MAPPA guidance and also the guidance contained in the Memorandum of Procedure:

<http://www.scotland.gov.uk/Publications/2010/06/04095331/0> and [CEL 19 \(2008\)](#).

3 The term 'restricted patient' is used in this guidance. For clarity any patient subject to any of the following orders or directions comes within the remit of MAPPA legislation and procedures:

- Patients who are detained following conviction under [section 57A](#) and [section 59](#) of the [Criminal Procedure \(Scotland\) Act 1995](#);
- Patients who are detained under section 57(2)(a) and (b) of the Criminal Procedure (Scotland) Act 1995 Compulsion order with a Restriction Order following a finding of unfitness for trial or acquittal by reason of mental disorder; and
- Prisoners detained in hospital on a Hospital Direction under [section 59A of the Criminal Procedure \(Scotland\) Act 1995](#) or a transferred prisoner on a Transfer for Treatment Direction under [section 136 of the Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#).

4 The legislative provisions requiring the use of MAPPA procedures in relation to these patients can be found at [sections 10 and 11 of the Management Offenders etc. \(Scotland\) Act 2005](#).

5 While patients on remand are detained in hospital for treatment or assessment they are managed as restricted patients. However, such patients are not subject to MAPPA management by NHS boards (though of course they may be subject to such management by other agencies as a result of prior offences).

6 While patients on Interim Compulsion Orders are not subject to MAPPA they are included in the [CPA](#) process for their risk assessment and management in anticipation of them becoming a restricted patient and subject to MAPPA in due course.

NHS Health Boards

7 All NHS Boards and the State Hospitals Board for Scotland should identify a senior manager responsible for providing the assurances on the quality of the operation of the CPA and to provide the statistical information for contributing to the MAPPA Annual Report.

Notification or referral to MAPPA coordinator

8 There are three key stages at which a MAPPA referral must take place, using the relevant MAPPA Referral Form contained in the document set accompanying this guidance:

- when the patient is being considered for unescorted ground parole or unescorted suspension of detention for the first time - following scrutiny of the risk assessment and management plans MAPPA will indicate whether or not they are content with the plans. Once agreement is reached the Responsible Medical Officer (RMO) should submit the request for suspension of detention to the Scottish Ministers in the usual way;
- when suitable accommodation has been identified in the community as part of the planning for conditional discharge - suspension of detention may continue as usual whilst this process is underway; and
- when the RMO is considering recommending the revocation of the compulsion order or the revocation of the restriction order.

9 There may be circumstances when a MAPPA 2 referral is appropriate. These include:

- the restricted patient is also a sex offender and an environmental scan requires to be carried out on the new address;
- involving transfer or escorted suspension of detention from the State Hospital when the risk is considered to be high or there are significant victim sensitivities;
- first occasion of escorted suspension of detention, where risk is high or patient is very high profile;
- if a patient is approaching their Earliest Date of Liberation (EDL) and the care team consider the risks presented by the patient are significant enough to be managed through a risk management plan managed at MAPPA level 2;
- if a patient is already on unescorted suspension of detention or unescorted ground leave and the care team considers the risk presented by the patient might be best managed at MAPPA Level 2 or above; or
- if a patient is on conditional discharge and the clinical team and others involved through the CPA process consider the risk presented by the patient might be best managed at MAPPA Level 2 or above.

10 A police view should be sought before a decision is made to make a MAPPA 2 referral.

CEL 19 (2008)- Actions, assessment and management of restricted patients within MAPPA framework

11 CEL 19 (2008) provided guidance on the immediate actions to be taken by health boards in relation to restricted patients, and explained both how restricted patients would be assessed and managed within the MAPPA framework as well as the on-going responsibilities of health boards and patient care teams under the 2005 Act.

12 CEL 19 (2008) provides guidance on:

- Health responsibilities for restricted patients under MAPPA (paras 15-19)
- Application to restricted patients (paras 20-27)
- CPA for restricted patients (paras 28-33)
- Risk assessment and management of restricted patients (paras 34-38)
- NHS Boards and Clinical Governance (paras 29-41)
- Role of the Responsible Medical Officer (paras 42-44)
- Role of the Mental Health Officer (para 45)
- Procedures for MAPPA Stage 1 (paras 50-56)
- Transfer to conditions of lower security of otherwise (paras 57-60)
- Planning for Suspension of Detention (SUS) (paras 61-67)
- Planning for Conditional Discharge (CD) (paras 68-75)
- Procedures for referral to MAPPA stage 2 and 3 (paras 76-81)
- Transferred prisoners (paras 82-85)
- Absconding by patient on leave (paras 86-88)
- Breaches of conditions of discharge (paras 89-92)
- Revocation of Compulsion Order (Absolute Discharge) or Revocation of Restriction Order (paras 93-99)
- Early Discharge Protocol (para 100)
- Transfer out of Scotland (para 101)
- ViSOR (paras 102-104)

Care Programme Approach (CPA)

13 Guidance on the operation of CPA for restricted patients was circulated in October 2007 ([CEL13 \(2007\)](#)). Although the same underlying principles of gathering and sharing of relevant information in relation to risk apply, CPA focuses on the care and treatment likely to minimise the risk posed, whilst MAPPA focuses on multi-agency review and scrutiny of the risk management

plan produced through the CPA process. Within the MAPPA framework, the CPA process will remain the vehicle for planning a person's care and treatment and for risk assessment and management planning.

14 The underlying concept of MAPPA is to provide systems and processes for relevant agencies to share information about individuals who represent a risk to the community. Where appropriate, the agencies will cooperate to put together plans to assess and manage these risks. It is important to emphasise that MAPPA meeting's remit is scrutiny of risk assessment, information sharing and risk management plans and not direct case management or an opportunity to have a case conference.

Liaison with the police

15 Local MAPPA coordinators should help identify police link staff to be invited to a pre-CPA meeting and for liaison about any police issues of relevance to the case including whether a MAPPA Level 2 referral is appropriate. The aim is that the police link should be in place from the start of the CPA process and not simply introduced when patients are moving towards the community. The police role should include invitation to CPA meetings in the following circumstances:

- On the admission of the patient to hospital an appropriate police liaison officer is identified who will assist with the gathering and sharing of information to assist the risk assessment process. This person should be invited to the pre-CPA meeting which takes place shortly after admission and does not normally involve the patient;
- When unescorted leave within hospital grounds is being considered;
- If the patient is high risk or high profile and escorted leave is being considered;
- Prior to accommodation being identified for a patient progressing towards conditional discharge;
- When a breach of condition occurs or if a patient is recalled; or
- Any other occasion when it can be demonstrated that a police representative at the meeting is essential.

MAPPA information relayed to the Mental Health Tribunal (MHT) for Scotland

16 In the event of a request for disclosure of MAPPA minutes for submission to the Mental Health Tribunal, the following information will be shared by the Health Directorate: *A MAPPA meeting was held on [date]. MAPPA level is [state level]. The MAPPA group support the recommendation by the RMO for unescorted suspension of detention. When considered unescorted suspension of detention the RMO should share with MAPPA the plan for the proposed Suspension of Detention (SUS) including where appropriate victim sensitivities. This information will be reflected in the Position Statement when relevant.*

17 For those Tribunals considering conditional discharge, revocation of the compulsion order or revocation of the restriction order the restricted patient team will e-mail the relevant MAPPA coordinator to request that a Minutes Executive Summary be prepared for lodging at the MHT (which in turn will be copied to the patient and other parties). Restricted Patient team will on receipt of a recommendation for Conditional Discharge, revocation of Compulsion order or Restriction Order, e-mail the relevant MAPPA coordinator to request that a Minutes Executive Summary be prepared for lodging at the Mental Health Tribunal. The restricted patient team should be advised of all MAPPA meetings and will consider whether or not they should be represented.

18 The following further guidance on MAPPA and CPA in relation to restricted patients has been issued:

NHSHDL (2007)19

http://www.sehd.scot.nhs.uk/mels/HDL2007_19.pdf

Note this has been superseded by NHSCEL (2007)8

NHSCEL (2007) 7

http://www.sehd.scot.nhs.uk/mels/CEL2007_07.pdf

NHSCEL (2007) 13

http://www.sehd.scot.nhs.uk/mels/CEL2007_13.pdf

NHSHDL(2002)85

http://www.sehd.scot.nhs.uk/mels/HDL2002_85.pdf

Memorandum of Procedure for restricted patients

<http://www.scotland.gov.uk/Publications/2010/06/04095331/0>

The wider role of the NHS in MAPPA

19 Reference should be made to the guidance contained within Chapter 3 of this guidance, which sets out the legal position of the NHS in respect of those subject to the SONR.

20 The role of the NHS in MAPPA can be summarised as follows:

- Mentally disordered offenders (MDO) (restricted patients) - health boards and Special Health Boards are the lead responsible authority;
- Health Boards and Special Health Boards have a duty to cooperate with other agencies for non-restricted MDO sex offenders;

- Sharing information with other agencies - receiving and giving information so as to help protect the public (including NHS staff and patients) from serious harm;
- Representation and points of contact - there must be involvement of senior staff who can cover both management and clinical issues;
- Involvement in strategic management of MAPPA; and
- Providing clinical knowledge and resources, where appropriate, to help other agencies in the assessment and management of risk of serious harm posed by sexual (and violent) offenders.

15 THE VIOLENT AND SEX OFFENDER REGISTER (ViSOR)

1 The Violent and Sex Offender Register (ViSOR) is a computer system which provides a UK multi-agency information sharing tool which can be accessed and updated by the police, Scottish Prison Service (SPS), local authorities and the Scottish Government, Re-Shaping Care and Mental Health Division.

2 The main function of ViSOR is to ensure that the responsible authorities contribute, share and store critical information about MAPPA offenders which enhances communication across the four responsible authorities.

3 ViSOR provides a secure database enabling the sharing of risk assessment and risk management information on MAPPA offenders in a timely way. It improves the capacity to share intelligence and allows for the secure and immediate transfer of key information when these offenders move between areas. In addition, ViSOR provides the opportunity to access consistent management information to support performance analysis and improved working practices. It will also provide information for the MAPPA annual reports and will store the MAPPA meeting minutes and risk management plans.

Security

4 The ViSOR system is confidential and as such all Data Protection Act (1998) requests will require to be considered on a case-by-case basis. The disclosure of information could adversely affect police activity and as such an access request may be denied.

5 In order for ViSOR to be an effective information sharing and risk management tool, information on all MAPPA offenders should be held on the system including those offenders currently serving custodial sentences.

6 Each ViSOR nominal has a manager who has responsibility for the collation and quality assurance of information stored on that record. There can also be a number of partners to a record who have the ability to input information into the nominal record. The accuracy of this information is the responsibility of the person entering it.

Access

7 Currently, ViSOR is accessible by the responsible authorities. In addition, as a UK wide system, all police forces in England, Wales and Northern Ireland, the British Transport Police and the Military Police, as well as all English and Welsh Prisons and their Probation Service have a direct link to the information held on ViSOR.

8 Further information for practitioners on the subject of ViSOR can be found within the manual of ViSOR standards which includes agreed responsibility for the input of information and minimum standards.

16 THE SEXUAL OFFENCES ACT 2003 (REMEDIAL) (SCOTLAND) ORDER 2011

1 This legislation provides for a review process for those offenders subject to the Sex Offender Notification Requirements (SONR) indefinitely. In essence, there are three key dates to be aware of in respect of managing these sex offenders.

- Date of conviction - An offender convicted when they were under 18 years of age will be subject to a review 8 years after his/her initial notification date. A person 18 years of age or older will be eligible for a review 15 years after their initial notification date.
- Date of notification - The date when a sex offender first notifies the police under the SONR is the date used to set the date of review, i.e. 8 or 15 years hence. In cases where the sex offender was released into the community prior to 1 September 1997, but was still subject to statutory supervision on that date, the qualifying date will be the date of release from custody.
- Review date - the date when the review will be due.

2 The legislation requires the Chief Constable to make a decision as to whether a person subject to the SONR indefinitely should be required to continue to notify, or alternatively, for the notification requirement to cease.

3 Should the Chief Constable be satisfied on the balance of probabilities, that a sex offender poses a risk of sexual harm to the public, or any specific members of the public, then the Chief Constable will issue a notification continuation order, which has the effect of continuing the requirements to notify for a period of up to 15 years. The offender has the right to appeal the Chief Constable's decision to the Sheriff Court and thereafter to the Sheriff Principal.

4 Prior to making the decision, it is best practice for the Chief Constable to engage the other responsible authorities to ascertain any information which will inform the decision whether to impose a notification continuation order or not. This is reflected within Section 88C (4) (k) of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011.

5 To facilitate this sharing of information it is accepted that should the initial information trawl reveal matters of concern a MAPPA meeting should be held where all relevant information can be shared.

17 MISSING/WANTED MAPPA OFFENDERS

1 The primary purpose of the Sex Offender Notification Requirements (SONR) is to enable the police to know the location of sex offenders, and to manage these sex offenders and minimise the risk of further offending against the public.

2 It is critical that should an offender subject to the SONR go missing, or become wanted, that the matter should be treated with the appropriate urgency and seriousness. It is an operational matter for the police and the other responsible authorities to carry out all possible enquiries to trace the missing or wanted offender.

3 For the purposes of MAPPA the definitions of 'missing' and 'wanted' are as follows:

Missing: An RSO should be considered as missing when the current whereabouts of the offender is unknown and police enquiries to establish their whereabouts have been unsuccessful and as a result the risk management process may not be achievable and there exists a requirement to trace the individual and address the risk he/she may pose and establish if further offences have been committed. Those offenders who have left the territorial jurisdiction of the United Kingdom and whose location abroad is known are not considered as missing. The requirement to comply with the registration process is suspended whilst offenders are out with the UK. Where appropriate, consideration should be given to establishing whether the offender has committed an offence relative to notification of his/her foreign travel. In this situation if an arrest warrant is issued relative to such an offence the offender should be regarded as Wanted.'

Wanted: Where it is known that an offender is actively avoiding police in response to police enquiries to trace that individual relative to offences they may have committed, or in relation to other matters for which it is required that they be interviewed. This may include those occasions where an offender is the subject of an arrest warrant.

4 Where an offender subject to the SONR is discovered to be missing or wanted, senior managers of the responsible authorities should be made aware at the earliest opportunity. This will allow for the appropriate level of management and for the deployment of suitable resources to trace them. If the offender is subject to statutory through-care licence conditions the matter should also be referred to the Parole Unit, at the Criminal Justice and Parole Division, Learning and Justice Directorate of the Scottish Government.

5 The MAPPA coordinator should be notified of the missing or wanted sex offender and consideration should be given to convening a MAPPA meeting. This will allow the responsible authorities to meet, share relevant information and agree appropriate actions. That said, it would be expected that the responsible authorities would consult and share information with each other prior to any formal MAPPA meeting.

Escaped or absconding patients

6 In relation to restricted patients, guidance is contained within the Memorandum of Procedure on Restricted Patients, page 69 and Annex B.

18 STRATEGIC MANAGEMENT

Introduction

1 Scotland's eight Community Justice Authorities (CJA) provide a coordinated approach to planning and monitoring the delivery of offender services by planning, managing and reporting on the performance by local authorities or groups of local authorities. Their aim is to target services to reduce reoffending and to ensure close cooperation between community and prison services to aid the rehabilitation of offenders.

2 Recommendation 19 of the multi-agency inspection report - 'Assessing and managing offenders who present a high risk of serious harm 2009', provided that: '*MAPPA responsible authorities establish local strategic boards to oversee the performance management and quality of local MAPPA operations and plan for the future improvement and development of the system.*'

3 In each of the 8 CJAs a MAPPA Strategic Oversight Group (SOG) has been established. Membership includes the Chief Officer of the CJA and senior representatives from the local responsible authorities.

The role of the SOG

4 Section 11 of the 2005 Act requires the responsible authorities to monitor the operation of MAPPA, making changes to improve effectiveness where required. As well as providing local leadership, the SOG are responsible for performance monitoring and quality assurance of MAPPA, and for the coordination and submission of the annual report for their area.

5 In terms of local leadership, the SOG is responsible for shaping MAPPA activity in its area. This involves agreeing the role and representation of the different agencies within the SOG and putting in place the necessary protocols and memoranda of understanding which formalise these.

6 It is for the responsible authorities to determine between them how the strategic management arrangements for MAPPA will operate and the SOG provides the forum for these discussions. The SOG should also develop a clear understanding of how the local MAPPA group communicates with other relevant local strategic multi-agency arrangements (for example, Child Protection Committees).

7 It is important that the role of the SOG is consistent across Scotland and each SOG should:

- Provide a strategic structure with oversight of the MAPPA area and representation at Chief Officer level.
- Include key members from the local authority, the police, Scottish Prison Service and Health alongside other representatives, as agreed, to meet local needs.

- Provide a forum where issues between and among responsible authorities and DTC agencies can be discussed and resolved.
- Be responsible for local oversight of the following core areas in relation to MAPPA:
 - a) Business planning, management and resource allocation;
 - b) The publication of an annual report on the operation of MAPPA in line with the obligations of Section 11 of the Management of Offenders etc. (Scotland) Act 2005;
 - c) Raise public awareness of the management of offenders subject to MAPPA processes;
 - d) Significant Case Review;
 - e) Training;
 - f) Liaison and communication, both within MAPPA and with other local multi-agency structures designed to protect the public;
 - g) Ensure adherence to National MAPPA Guidance and other relevant National Protocols and standards (including ViSOR and data protection);
 - h) Identify, implement and share best practice;
 - i) Address any issues around the concentration in particular locations of sex offenders under MAPPA; and
 - j) Liaise with the Scottish Government Public Protection Unit.

8 The SOG should meet quarterly and be supported by one or more operational or steering groups according to local requirements. MAPPA coordinators play a key role in supporting the SOG.

Principles of governance

9 The strategic management arrangements should reflect a strong understanding of the mechanisms for effective and efficient public services. The Good Governance Standard for Public Services sets out six principles of good governance that are common to all public services:

- a) Focusing on the organisation's purpose and outcomes for citizens and service users;
- b) Performing effectively in clearly defined functions and roles;
- c) Promoting values for the whole organisation and demonstrating the values of good governance through behaviour;

- d) Taking informed, transparent decisions and managing risks;
- e) Developing the capacity and capability of the governing body to be effective;
- f) Engaging stakeholders and making accountability real.

Performance management and quality assurance

10 The responsible authorities and the SOG need to be satisfied that the MAPPA in their area are working well and that the risk management arrangements meet the defensibility test. The defensibility test is:

'Was everything that could reasonably have been done to prevent offenders from reoffending actually done?'

11 This applies to how each individual agency fulfils their obligations and how the agencies work together in achieving comprehensive risk management. The responsible authorities, through the SOG, need to be able to demonstrate this through monitoring and evaluation of performance.

12 The monitoring and evaluation activities of the SOG contribute to the MAPPA annual report, drive the business planning process and provide the means of reviewing the effectiveness of MAPPA.

13 This involves the collection and analysis of both quantitative and qualitative data. The MAPPA coordinator will provide this information for the SOG. Examples of performance and evaluation data are included in Chapter 19.

Annual report

14 Under the terms of section 11 (2) of 2005 Act, each MAPPA area must publish an annual report as soon as practicable after the end of each period of 12 months beginning with the 1 April. The contents of the reports must recognise the terms of sections 3 (10) and 11 (3) of the 2005 Act. The SOG is responsible for the coordination and quality assurance of the report for its area, the preparation and publication of which is an important part of the strategic arrangements for the MAPPA. The intention is for each MAPPA area across Scotland to provide a report which raises public awareness and understanding of public protection issues.

15 The annual reports are to be published on the website of the CJA. Scottish Ministers will publish an overview report containing the relevant national level statistics on the Scottish Government website with web links to the reports of each CJA.

Intensive Support Packages (ISP)

16 A very small number of offenders are managed in the community through the provision of ISPs. ISPs are intensive sets of monitoring arrangements put in place for high-risk individuals under statutory supervision, including Sexual

Offences Prevention Orders (SOPO), in the community. The level of monitoring is determined on a risk and needs based basis, informed as necessary by the MAPPA process and then notified to the Scottish Government by the relevant CJA. In the majority of cases the monitoring is undertaken by third sector providers; such as SACRO. Funding is approved in advance on a three-month basis by the Scottish Government, based on updated risk assessments and cost information. ISPs are provided to manage high-risk individuals in the community and the Scottish Government look for advice on how the risk associated with a particular individual is changing over time when applications for continuation of packages are received.

17 Whilst the number of such cases is small, the costs associated with the provision of services can be extremely high. The MAPPA coordinator will ensure that the SOG is aware of all ISPs in order that the SOG is aware of the costs being incurred. The MAPPA coordinator will also ensure that the MAPPA meeting has given proper consideration to the continuing need for intensive support in light of the assessment of risk of serious harm.

MAPPA coordinator

18 The MAPPA coordinator is employed on behalf of all the responsible authorities and plays an essential role in the coordination, support and administration of the strategic functions on behalf of the SOG.

19 PERFORMANCE MANAGEMENT AND QUALITY ASSURANCE

1 The monitoring and evaluation activities of the Strategic Oversight Group (SOG) contribute to the MAPPA annual report, drive the business planning process and provide the means of reviewing the effectiveness of MAPPA in each area against nationally identified indicators.

2 This involves the collection and analysis of both quantitative and qualitative data. The MAPPA coordinator will collate and provide this information for the SOG and will ensure that the information reflects the nationally identified indicators in this section.

3 The SOG should review quantitative and qualitative data on at least a quarterly basis to allow it to assess its performance, provide an opportunity for bench marking and for timely interventions where issues are identified. There are three ways to achieve this:

- Use of quarterly quantitative data reports from ViSOR, some of which address general information contained in the MAPPA annual reports (for example, number of MAPPA offenders by category and level) as well as other information which allows the SOG to identify trends in MAPPA categories and levels and to report diversity information;
- Qualitative data audits of MAPPA Level 2 and 3 managed cases, and observations of Chairs to ensure that meetings are effectively managed; and
- Analysis of Key Performance Indicators (KPIs) data to assess the extent of compliance.

Quantitative data

4 The MAPPA coordinator on behalf of the SOG should have arrangements in place to collect performance data. ViSOR can produce management reports for the majority of the following measures ('V' indicates a report available from ViSOR) and these reports can be produced on a monthly, quarterly and annual basis for performance measurement.

- The total number of MAPPA offenders by category and Level who are being managed at Level 2 or 3 in the community (V). This report will provide a snapshot of the number of offenders managed in the community by category and level;
- The total number of registered sex offenders being managed at all levels in the community (V);
- The total number of restricted patients being managed at all levels in the community. This data will have to be obtained by the MAPPA coordinator, from the Mental Health Services locally;
- New cases by category and level that are being managed at Level 2 or 3 in the community for a specific time period (V);

- Cases which are archived by category and level during a specific time period (V);
- Diversity information by category and level showing age, gender, ethnicity (V);
- The number of wanted or missing registered sex offenders (see chapter 17 for more detail and definitions of wanted and missing offenders). This would include the number classified as wanted or missing, the length of time they have been wanted or missing, the number of wanted or missing offenders within a given period that have been located, and the number of new cases of wanted or missing offenders in a given period (V);
- The number of MAPPAs offenders by category and level who commit a further sexual or violent offence;
- Agency attendance at MAPPA meetings, to include those who were invited and attended, those who were invited and gave apologies, those who were invited and gave apologies but provided a report for the meeting and those who were invited, failed to attend and did not provide apologies;
- The total number of MAPPA meetings held in a given period and, from this, the number of cases where the decision was taken to disclose information, detailing to whom it was made, by whom, whether it was achieved within the timescale agreed by the MAPPA meeting and the number of cases where the decision not to disclose was taken;
- The number of civil orders (Sexual Offences Prevention Order (SOPO), Notification Order and Foreign Travel Order) which have been applied for, the number granted, the number refused and the number made by the court at point of criminal conviction (V);
- The number of breaches of SOPO; and
- The number of breaches of licence by category and level who were recalled to prison (V).

5 These reports are to support local performance management and are not intended for the public domain with the exception of the data that is used within the MAPPA annual reports.

Qualitative data

6 Qualitative data can be obtained from:

- Case Audit of Level 2 and 3 MAPPA cases;
- Audit of Level 2 and 3 MAPPA meetings;
- MAPPA Significant Case Reviews; and
- Peer review.

Case audit

7 The MAPPA coordinator, on behalf of the SOG, should undertake or coordinate a random case audit of a selection of Level 2 and Level 3 cases. The purpose of the audit is not to inspect the work of individual agencies, although how they work will affect the overall quality, but how MAPPA itself operated. The frequency of this should be agreed locally but should take place annually as a minimum. The MAPPA offender audit form within the document set in this guidance can be used for this purpose.

The audit should:

- Review the referral and minutes of the MAPPA meetings;
- Identify whether all agencies were present at all relevant meetings to allow the MAPPA meeting to progress its work effectively;
- Review the MAPPA Risk Management Plan(s);
- Identify if agencies completed the actions assigned to them in a timely manner;
- Identify areas of good practice;
- Identify areas where practice and communication between agencies could be improved; and
- Identify how feedback will be provided to the Strategic Oversight Group and relevant agencies.

Audit of Level 2 and 3 MAPPA meetings

8 To ensure that MAPPA meetings are effectively managed, the MAPPA coordinator should put in place a process to support MAPPA meeting Chairs through feedback of their performance and the effective conduct of the MAPPA meetings. It is suggested that this takes place on a quarterly basis. The audit form within the MAPPA document set in this guidance can be used for this purpose.

MAPPA significant case review

9 Where a MAPPA offender has been the subject of a significant case review, the SOG should discuss the review findings and ensure that an action plan is developed to address the findings and recommendations and that this plan is progressed to completion.

Peer review

10 Many areas use peer review as a method of benchmarking the effectiveness of local MAPPA arrangements and confirming the appropriateness of decision making. This is particularly useful for MAPPA Chairs and regular peer review can be organised by the MAPPA coordinator.

MAPPA Key Performance Indicators (KPIs)

11 Every SOG meeting should check its compliance against the following KPIs to measure the effectiveness of their area's work within MAPPA:

- 90% of Level 3 MAPPP cases reviewed no less than once every six weeks;
- 85% of MAPPA Level 2 cases reviewed no less than once every twelve weeks;
- Disclosure to be considered and the decision to be recorded in the minutes at 100% of Level 2 and 3 MAPPA meetings.

Additional minimum standards

12 The following are agreed minimum standards within the MAPPA process and are relevant to performance management. They are referred to elsewhere in this guidance and should be recorded by the MAPPA coordinator on behalf of the SOG:

- If offender is in the community the Level 2 meeting must be held within twenty working days of receipt of referral by the MAPPA coordinator or their administrator.
- If the offender is in the community the Level 3 MAPPP must be held within five working days of receipt of referral by the MAPPA coordinator or their administrator.
- If the offender is in custody or subject to CPA the Level 2 or 3 meeting must be held prior to release into the community.
- Stage 1 notification for community sentences must be made within three working days of receipt of community sentence.
- Stage 2 referral of a community sentence must be made within five working days of a stage 1 notification.
- Information exchange, search and response within five working days from the date requested by the coordinator.
- Draft minutes of Levels 2 and 3 meetings should be produced within five working days of the meeting.

Analysis

13 The analysis of data is to be undertaken, in the first instance by the MAPPA coordinator. The analysis of the data will assist the SOG in their review and validation of the effectiveness of MAPPA. This will allow for benchmarking against previous local reports or other areas, and timely intervention where issues are identified.

14 Findings should be presented to the SOG, however, any urgent issues should be raised with the Chair of the SOG and relevant agencies without delay.

20 MAPPA SIGNIFICANT CASE REVIEW (SCR)

Introduction

1 The purpose of this chapter is to describe the process in relation to a SCR. It is recognised that, on occasions, offenders managed under the MAPPA will commit, or attempt to commit, further serious crime and, when this happens the MAPPA should be examined to ensure that the policies, processes, and actions employed by the responsible authorities and the duty to cooperate (DTC) agencies were not flawed and, where it has been identified that these could be improved, plans are put in place promptly to do so.

2 The responsible authorities have a specific duty to report every incident which falls within the criteria of this guidance, and in line with the process set out in this chapter. They must have in place local mechanisms for identifying all cases which meet the criteria laid out in this guidance. However any agency (including the third sector), profession, or individual can report incidents which meet the criteria for a SCR.

The role of the Strategic Oversight Group (SOG).

3 In every case, it is the local MAPPA Strategic Oversight Group (SOG) which has overall responsibility for the formal review of a significant case. The SOG will decide whether a SCR is warranted in terms of the criteria specified in this guidance; establish the remit of the review; and then either undertake the review itself or externally commission a review team to complete the review (although at all times ownership and responsibility remains with the SOG).

4 The overarching objectives of SCRs are to:

- Establish whether there are lessons to be learnt about how better to protect the public from the risk of harm. Reviews should be viewed as a process for learning and improving public protection;
- When appropriate, make recommendations for action (albeit that immediate action to improve service or professional shortcomings need not await the outcome of a formal review);
- Address accountability, both at the level of the responsible authorities and the professional groups involved;
- Provide public reassurance in relation to the actions of the responsible authorities in the specific circumstances; and
- Identify good practice.

5 This guidance supports these objectives by setting out the process to enable the SOG to:

- Commission and undertake the review at a level which is necessary, reasonable and proportionate;
- Adopt a consistent, transparent and structured approach;

- Identify the skills, experience and knowledge that will be needed by those undertaking the SCR;
- Address the needs of the many different individuals and agencies who may have a legitimate interest in the SCR; and
- Take account of the evidence.

6 A review may reveal staff actions, inactions, or flaws in process, which are of sufficient seriousness that they need to be brought to the attention of the appropriate organisation. The reviewing body has a duty to do this, irrespective of the SCR process.

The status of a SCR relative to other linked investigations

7 There may be other processes running concurrently with a SCR and this raises a number of issues including:

- The relationship of the SCR with other processes, such as criminal proceedings or SCRA reports;
- Securing cooperation from all agencies in relation to the release and sharing of information;
- Minimising the potential for duplication; and
- Ensuring a sufficient degree of rigour, transparency and objectivity.

8 There may be reasons why a SCR cannot be immediately initiated or concluded, e.g. where there is an on-going criminal investigation or where there are links to a Fatal Accident Inquiry or Children's Hearings Proceedings and liaison with the appropriate body will establish how to proceed. In particular criminal investigations **always** have primacy. To establish what status a SCR (including the Initial Case Review (ICR)) should have in relation to a linked criminal investigation, advice should be sought from the Crown Office and Procurator Fiscal Service (COPFS). Issues to be considered include how to:

- Link processes;
- Avoid witness contamination;
- Avoid duplicate information being collected;
- Decide whether a criminal investigation/proceedings or other on-going processes mean that a SCR should be adjourned; and
- Manage the disclosure process: The Crown is obliged to disclose all material information for or against the accused (subject to any public interest considerations). This relates to all information of which the Crown is aware, which would include information which is learned during a SCR.

9 There are a number of similar case review processes in place across public protection (e.g. Child Protection, Adult Protection, Health Clinical Incident Review (CIR), and the Care Inspectorate managed, Serious Incident Review

(SIR)). It is possible that more than one of these case review processes is triggered as a result of the circumstances of the offence or incident. In such cases agreement should be sought on the most appropriate way to proceed, taking account the requirements of each process, the potential for cross-cutting, and the potential impact on the welfare of the staff involved.

CRITERIA FOR IDENTIFYING WHETHER A CASE IS SIGNIFICANT

A 'significant case'

10 A significant case need not comprise just one significant incident.

Criteria

11 In any of the circumstances below a SCR may be required:

- When an offender managed under MAPPA at any level is charged with murder, attempted murder or a crime of serious sexual harm;
- Significant concern has been raised in respect of the management of an offender under MAPPA which gives rise to serious concerns about professional and/or service involvement;
- Where it appears that an offender managed under MAPPA is killed or seriously injured as a direct result of his/her status as a sex offender becoming known.

12 An initial notification or a more detailed Initial Case Review (ICR) will provide the basis for determining whether a SCR is merited. These stages of the SCR process are explained in the following paragraphs.

Stage 1 – Initial Notification

13 When a case is identified and the circumstances appear to meet the criteria laid out in this section the lead responsible authority for the case must, **within five working days**, submit an Initial Notification (Form 1) to the Chair of the SOG.

14 If the lead responsible authority is unable to submit the report within five working days, this should not preclude any actions required to protect member of the public or individual offender, who may be at risk of harm. Where the five-day deadline is not met, reasons for this should be provided to the Chair in writing and a new date for submission agreed.

Stage 2 – Initial Case Review (ICR)

15 **Within five working days** of receipt of the initial notification the Chair will assess whether there is sufficient detail to allow the SOG to make an informed and defensible decision on whether to proceed to a SCR, or whether there is a

need to seek further information before such a decision can be taken. A Chair decision template is provided at Form 2.

16 Where the Chair of the SOG decides that more information is required, he/she will advise the lead responsible authority in writing **within two working days** that an ICR is to be undertaken, and where necessary specify what further information is required.

17 The ICR should be submitted **within eleven working days** of receipt of the request from the chair unless there are extenuating circumstances. The Chair should be informed in writing when a delay occurs and a new date for submission should be agreed.

Conducting an ICR

18 The ICR should address the following issues:

- A brief description of the case and the basis for referral;
- Key events timeline;
- A brief outline of agency/professional involvement role &/or responsibilities;
- If the victim is alive, what actions have been or will be taken on their behalf;
- Other on-going formal proceedings;
- Evidence of inappropriate practice;
- Evidence of good practice;
- Any particular sensitivities (e.g. from COPFS); and
- Lead contacts for each agency.

Record keeping for an ICR

19 Each SOG should establish and maintain a register of all ICR/SCR in order to:

- Evidence the decisions made;
- Monitor the progress of the reviews undertaken;
- Monitor and review the implementation of recommendations and their impact; and
- Identify contextual trends (e.g. prevalence of substance misuse).

Stage 3 - Decision on whether or not to proceed to a SCR

20 **within ten working days** of receipt of sufficient information (in the form of either the initial notification report or the ICR), the SOG must decide on whether or not to proceed to a SCR. A SCR should only be commissioned when the

criteria laid out in this chapter are met, or the circumstances of the case lead the SOG to consider a SCR essential. A review should not be escalated beyond what is proportionate taking account of the severity and complexity of the case. Once a decision to commence to a SCR has been made the process must be initiated as soon as possible. A SOG decision template is provided at Form 3.

21 Where there is a split decision within the SOG on how to proceed, the Chair will make the final decision.

22 In cases where the decision is to proceed to commission a SCR, the responsibility to inform the victim (if alive) or nearest relative or partner, remains with the SOG.

THE SOG DECIDES NOT TO COMMISSION A SCR

23 Following analysis of the information submitted by the lead responsible authority, the SOG may decide that a SCR is not required and may decide to take no further action, or it may decide that specific action is necessary. This section deals with these circumstances.

No further review needed.

24 Where:

- The criteria for a SCR are not met;
- Single agency action is deemed appropriate; or
- The information provided indicates that appropriate action has already been taken.

However, even in those circumstances, the SOG may decide that an SCR is appropriate.

Notification of decision not to commission a SCR

25 Within **ten working days** of the decision the Chair will notify the relevant Chief Officers Group and all the agencies involved in the case of the decision to not proceed to a SCR and the rationale in reaching that outcome. This information should also be advised to the Public Protection Unit at the Scottish Government. The decision should be recorded in accordance with the agency procedures and on ViSOR.

No further review needed but follow-up action required.

26 Where an ICR is completed and the decision of the SOG is not to progress to a SCR, the SOG must ensure that an action plan is in place to address any local recommendations within the report. Actions should be recorded with lead agency outcomes and timescales being scheduled into the SOG action plan.

THE SOG DECIDES TO PROCEED TO A SCR

27 The SOG considers that the criteria have been met and a SCR is required. This section provides guidance on whether to hold an internal or an external SCR.

The SOG decide to commission an internal SCR.

28 The SOG may decide, informed by the ICR, that it is appropriate to commission a SCR from within the local responsible authorities.

29 In such cases, the lead officer and staff should be drawn from the SOG responsible authorities, excluding those departments/agencies directly involved with the case. The SOG should ensure that the review team lead has the necessary level of seniority and experience in MAPPA.

30 There may be situations when the SOG considers that an external specialist or consultant is required to undertake certain aspects of the SCR and their costs should be met by the responsible authorities.

The SOG commissions an external SCR.

31 The SOG agree that the case would benefit from being considered and investigated by an external team. In these circumstances the ownership remains with the SOG.

32 The commissioning of an external review may include cases where:

- There are likely to be local recommendations, however, there may also be learning points which will require to be circulated nationally;
- The case is high profile, or is likely to attract considerable media attention;
- MSPs and/or other Elected Members and others have raised their concerns about the case;
- The SOG has commissioned multiple reviews; and/or
- The victim (if alive), their nearest relative or other significant parties may have raised concerns about the actions of the agency/agencies.

Notification of decision to commission an SCR

33 **Within ten working days** of the decision the Chair will notify the relevant Chief Officers Group and all the agencies involved in the case of the decision to proceed to a SCR. The decision should be recorded in accordance with the agency procedures and on ViSOR. This information should also be advised to the Public Protection Unit at the Scottish Government.

A note on timescales

34 In every case, the SOG should agree a deadline for the submission of the final report taking into account the circumstances and context of the particular case. The process map attached to this guidance indicates a deadline for submission of **nine months** from the date of commission and this should be considered the standard when setting a submission date in each case. Final agreement and acceptance of the report along with its distribution, and the publication of the executive summary and recommendations, should take place within six weeks of submission unless there are extenuating circumstances.

35 The SOG will require the agencies to work expeditiously in preparing and submitting information. It is recognised that the complexity or circumstances of certain cases may result in agreed timescales not being met. Where deadlines have to be extended, this should be notified in writing to the SOG at the earliest opportunity to allow a decision to be taken on a new deadline.

Stage 4 The SCR Process:

35 Preparation and planning are important to ensure the objectives of the SCR are met, and the following areas should be considered:

- A. Developing the remit
- B. Identify the review team
- C. Commission the review team
- D. Resources
- E. Manage the process
- F. Produce, handle and deliver the report
- G. Follow-up and communication protocols
- H. Liaison with victim/nearest relative/family
- I. Staff

A. Developing the remit

36 The outcomes of the review should be to:

- Identify areas of good practice;
- Identify areas of practice, management, or policy, that can be improved to better protect the public; and
- Contribute to robust quality assurance procedures and demonstrate a commitment to continuous improvement.

37 A clear remit is essential to manage the expectations of those involved and the wider audience for the SCR report. It is recognised that the complexity might not become clear until the work has commenced. Consequently, the initial remit may need to be revised during the course of the review. The SOG must agree any changes to the remit and ensure they are recorded appropriately.

38 The remit will outline the purpose of the review. The review should seek to:

- Establish a chronology or timeline to include all relevant events/meetings/discussions/decisions/contact with the offender and/or victim(s). The chronology or timeline must be endorsed by the relevant agencies as accurate. Consideration should be given to utilising a police analyst at this stage;
- Establish the circumstances culminating in the death/serious harm of the victim. It is recognised that this may be difficult if there are parallel inquiries taking place, e.g. a criminal investigation;
- Examine the role of the responsible authorities, DTC partners and any other agencies involved in the management of the offender. Analyse the available information and identify issues and implications. If the victim or another vulnerable individual is interviewed as part of the review, the involvement of family liaison officers or specially trained interviewers should be considered;
- Establish what lessons can be learned from the case, and how these can be shared;
- Develop and agree an action plan; and
- Report findings to the SOG and the Scottish Government.
- Where consideration is being given to making a recommendation of national significance the lead officer should consult in advance with the relevant national body.

B - Identifying the review team

39 The selection of the review team is crucial. SCRs are resource-intensive and require a dedicated lead with the appropriate specialised support from the principal agencies to provide the necessary understanding of procedures and practice. In some cases it may also be necessary to have specialist input, whether as part of the team for the duration of the SCR or to provide advice as required. The review team may also wish to consult other SOGs and agencies.

40 It is important that the review team staff has a broad knowledge of sex offender management and MAPPA as well as the necessary skills to lead/undertake the review. The interviewing of significant witnesses takes time and must be undertaken with perseverance and sensitivity.

41 Members of the review team should have experience of:

- Analysis and interpretation of information from a wide variety of sources;

- Interviewing;
- Decision-making;
- Communication, negotiation and the ability to establish good working relationships;
- Awareness, and sensitivity to, national and local issues; and
- An understanding of the purpose of SCRs and how it differs from other on-going proceedings;
- Producing complex reports.

42 It may be that the review team should include representation from the key professional groups to reflect the individuality of the agencies.

43 The SOG may decide to form a sub-group to direct and manage the SCR.

C - Commissioning the review team

44 Issues for consideration when commissioning a review team:

- Confirm that the remit is clear and deliverable;
- Establish reporting lines of accountability;
- Identify milestones and time-scales (in line with those laid out in this guidance) and agree the various stages in the process;
- Provide appropriate administrative support;
- Agree the method for obtaining additional resources if it becomes clear that these are necessary;
- Confirm that if issues arise that need urgent action, the SOG (and agencies) will be so advised;
- Agree process for managing and reporting of serious issues;
- Require external reviewers to be registered with the Data Protection Office; and
- Identify a named contact person within the team.

D - Resources

45 Section 11 of the 2005 Act requires the responsible authorities to monitor the operation of MAPPAs, making changes to improve effectiveness where required. As well as providing local leadership, the SOG is responsible for performance monitoring and quality assurance of MAPPAs and this encompasses the need to carry out, when required, a SCR.

46 Resource issues, which may need to be addressed, are as follows:

- Agree any formal contractual arrangements. The Chief Officers Group will consider which agency will enter into the contract with any external reviewer;
- In the case of an internal SCR the SOG should consider the potential of an external person to supplement the review team;
- Arrange for any accommodation/space requirements the review team require;
- Provide for secure storage arrangements for files/documents;
- Agree the methodology to be used to record, index and retain documents and evidence in an easily retrievable format;
- Establish a reporting structure, frequency and format; and
- Agree a communications plan.

E - Managing the process

47 Issues to be considered and agreed between the SOG and the review team when establishing the remit and terms of reference may include:

- Over what time period events will be reviewed. The offender and victim history/background information will help to decide this;
- For an externally-commissioned SCR, the contract will reinforce that the SCR is owned by the SOG and they retain the right to proof-read the final draft and to correct factual errors or misunderstandings;
- The agreement of a media strategy;
- The agreement of a communications strategy (including a dissemination and publication process);
- The identification of named contacts in each agency with whom the review team can liaise;
- Confidentiality protocols for the review team;
- Whether there are likely to be issues of access to case records, e.g. Visor and how that will be addressed;
- The involvement, if appropriate, of the victim (if alive), or the nearest relative and how that will be managed;
- Responsibility for liaison with the victim (if alive), or the nearest relative. The SOG will wish to consider whether or not it is preferable for this person to have had prior involvement with the victim or their nearest relative;
- What briefing will be provided for contributors, and by whom. A briefing will normally be an oral discussion about the purpose of the review. The SOG will need to consider whether contributors should receive information about the areas to be covered in advance of the interview and whether the files should be available to them for reference; and

- What arrangements are in place for feedback to the contributors and what mechanism will be used to enable contributors to check the factual accuracy of any interim and/or final reports;
- Record retention policy.

F - Producing, handling and delivering the report

48 The SCR report should be delivered to the commissioning SOG who will thereafter deliver the report to the relevant Chief Officers Group and the Scottish Governments Public Protection Unit.

49 It is important that there is a degree of consistency to the structure and content of reports. This makes it easier for people to identify and use the findings and for read-across to other reports to be made. The report should include:

- An introduction - a summary of the circumstances that led to the review, state the remit and a list of contributors to the review (suitably anonymised);
- A separate executive summary and list of recommendations, which should be few in number, focused, specific and capable of being implemented. It should also identify who these are aimed at and any resource implications (and who the recommendations are for). This summary should be appropriate for publication;
- A chronology of key events;
- The nature and extent of the involvement of the victim or nearest relatives in the process;
- Findings based on the analysis of the circumstances culminating in the incident; and
- Conclusions – extending from the findings
- Recommendations – these should be evidence based and clearly linked to the findings. Recommendations should be few in number, specific and capable of being implemented. The report should identify which body or agency each recommendation is aimed at and any potential resource implications of its implementation (where a proposed recommendation has national significance, liaison with the relevant body in advance is advised).

50 The SOG will decide who will receive the report. The findings of a SCR will provide valuable information for the management of sex offenders at a local and national level. It is therefore expected that the executive summary and recommendations will be made public.

51 This summary document should be sufficiently detailed to provide a reasonable overview and analysis of the case.

52 The review team and SOG will wish to take account of the requirements of the Freedom of Information Act and Data Protection Act in both the conduct and reporting of the review.

53 The SOG should propose to the Chief Officers' Group a distribution list for the full report. This proposed list should have regard to the provisions set out in media handling and should consider any internal/external communications or briefing required before publication and decide how best to co-ordinate media handling.

G - Follow-up

54 Following publication of the SCR report, the SOG will be required to:

- Prepare action and implementation plans and establish a means of monitoring progress; and
- Liaise with the Scottish Government and others as required.

H - Nearest relative

55 It is important that the review is carried out in good time - not least to reduce stress on the victim (if alive), or the nearest relative.

56 The victim (if alive), or the nearest relative should be kept informed of the various stages of the review and the outcomes of these where this is appropriate. This should be factored into the communication strategy.

57 Clearly, there will be occasions where a relative could be subject to investigation or significantly involved in the case and in such cases the information provided may require to be limited. Liaison between the police and the Procurator Fiscal is required in such circumstances.

58 There may also be cases where families seek to take legal action against an agency or agencies. Individual agencies complaints procedures should be made available at the outset of the case, and throughout any SCR investigation, as deemed necessary and appropriate.

59 Care should be taken about where and when a victim or their nearest relative is interviewed and members of the review team should be experienced and skilled in working with victims. It may also be useful to assign a member of staff to be a liaison point throughout the review. The person carrying out this liaison role should be fully aware fully of the sensitivities and background of the case. This person's role could include advising of the intention to carry out a SCR and making arrangements to interview the victim and/or their nearest relative or family.

60 The victim (if alive), or the nearest relative should receive a copy of the executive summary and recommendations from the SOG in advance of publication. Consideration should be given as to whether they should receive

an oral briefing in advance of publication. This should be factored into the communication strategy and considered in terms of report distribution as per paragraph 68.

I - Staff

61 During the review process staff should feel informed and supported by their managers. This should be factored into the communication strategy. There may be parallel processes which staff are involved in as a consequence of the case (e.g. disciplinary proceedings) and these should be considered.

62 Each organisation will have procedures for supporting staff. Line managers should always consider:

- The health and wellbeing of staff involved;
- Provision of welfare or counselling support;
- Communications with staff and keeping people informed of the process in an open and transparent way;
- An agreed procedure to be adopted if the SCR uncovers evidence of criminal acts or civil negligence related, or unrelated to the case under review;
- The need for legal/professional guidance and support; and
- Allowing staff time to prepare for interviews.

63 This guidance should be available to staff involved in a review, together with a copy of the local operational protocols in place in their SOG area. Once the review has been completed the staff involved in the case should be given a debrief on the review and the findings before the report is published.

SCR COMMUNICATIONS STRATEGY

64 The ICR is an internal document for the SOG, however, the SCR report is a document intended for shared learning and hence requires a communications strategy. It is the responsibility of the SOG to report the outcome of the SCR to their Chief Officers Group and the Scottish Government. However, the SOG has extensive responsibilities and should consider the wider dissemination of the learning from the process and outcomes. The Executive Summary and the recommendations will be published by the responsible authorities.

65 Information within any SCR will be highly sensitive and may be distressing. Each SOG should have agreed protocols with local agencies and the Scottish Government which includes named contacts and their role and responsibilities in the process, i.e. whether it is communication for information or decision-making.

66 Users of this guidance should note that the communications strategy guidance provided in this section is elementary and agencies should prepare their own media and legal guidance for each particular circumstance.

Who needs to be aware of the SCR report?

67 It is acknowledged that each significant case is unique and the SOG will endeavour to identify all who need to be informed, and who will be required to provide information at each stage of the SCR process. The Scottish Government should receive a copy of the report **at least five working days** prior to publication.

68 The distribution list should be proportionate to the individual case, but may include those with responsibility for local service delivery and review as follows:

- The relevant SOG;
- Chief Officers: Chief Executive of Local Authority/Chief Executive of Health Board/Chief Constable/Chief Executive of Scottish Prison Service (SPS);
- Director of Social Work/Chief Social Work Officer/Senior Managers in the police, Education and Health Service, SPS Governor;
- Staff involved in the review;
- Crown Office and Procurator Fiscal Service;
- Scottish Government Justice Directorate - Parole Unit;
- Scottish Government Justice Directorate – Public Protection Unit;
- Parole Board for Scotland;
- The Mental Welfare Commission;
- Children's Reporter/Scottish Children's Reporter Administration (SCRA);
- Inspectorates/Scrutiny Bodies - HM Inspectorate of Education Services for Children Unit, Social Care and Social Work Improvement Scotland, HM Inspectorate of Constabulary Scotland, Health Improvement Scotland, Mental Health Tribunal for Scotland;
- Victim (if alive) or the nearest relative
- Local councillors/Health board Chairs/Chairs of police authorities;
- Voluntary organisations and independent providers, where they are involved in the case; and
- The MAPPA National Strategic Group.

69 Those with wider interests in the SCR report could include:

- Local authority, health board and police media officers;
- Professional representative bodies;
- Legal representatives; and
- Unions/staff associations.

70 Other key interests are likely to be:

- The general public;
- Elected members, e.g. MSPs, MPs; and
- The media.

When will information become available?

71 In some cases some/selective information may already be widely known because of the nature of the case (e.g. where the media have released information about the criminal case before the review process has been commenced/completed). Once information is shared with members of the public (including victims/relatives) it should be regarded as being in the public domain.

72 On completion of the SCR the distribution list should be available to all of the main stakeholders identified plus any other individuals/organisations who may have become involved with the review. In addition, it is important that the victim (if alive), nearest relative or partner, and those who contributed to the review process are regularly briefed and thoroughly understand the process.

Media handling

73 All agencies should refer/comply with their own organisations and/or the SOG agreed media strategy. It is to be noted that there are strict guidelines in place for dealing with matters which are sub-judice.

74 In responding to media enquiries, the SOG must have regard to wider interests over which they have no direct control. The importance of reassuring the public through any media statements and reducing alarm or confusion is paramount.

75 Following publication of the SCR report the SOG will:

- Establish a process for managing the delivery of the findings and recommendations of the report.
- Establish audit processes to ensure all findings and recommendations have been considered and an acceptable outcome and implementation process agreed; and
- Liaise with the Scottish Government and others as required.

The Learning Cycle

76 The primary aim of an ICR/SCR is to establish what lessons are to be learnt from the case and what areas of practice require improvement(s). The changes required may involve:

- Management;
- Policy;
- Protocols;

- Practice;
- Operating conditions; and
- A combination of any of these.

77 The SOG will wish to consider how to promote commitment to change:

- Consider identifying one senior person to champion change;
- Communications to interested parties;
- Support and acknowledge good practice within and between organisations/service areas; and
- Determine the impact on individuals or organisations (risk factors) as a result of change.

78 In addition, the SOG should consider how to:

- Increase public confidence;
- Identify, plan and implement any required training; and
- Produce and implement long- and short-term action plans.

79 The SOG will need to consider how to maintain change by:

- Quality assurance systems including monitoring and evaluation which links into reporting and action planning cycles;
- Engagement with stakeholders; and
- Supporting staff.

80 The SOG should produce a summary of all ICRs referred during the year and, irrespective of the outcome, introduce these into the learning cycle to improve multi-agency learning and development.

81 After a SCR is published it may be necessary for the SOG in other areas to review their own guidance and procedures in light of the findings and recommendations from the review. This could be facilitated through the meetings of the MAPPA National Strategic Group or by specially convened local meetings depending on the need for urgency.

82 It is likely that some recommendations from ICR/SCR reports may require to be led and/or implemented nationally. The findings from an ICR/SCR will also be important for external scrutiny bodies in future inspections of services.

Form 1

MAPPA Significant Case Review Process

SCR Initial Notification Report

(To be submitted to the Chair of the MAPPA Strategic Oversight Group not more than **five** working days from identification of a significant incident.)

Date of incident:	
Name of Offender:	
Offender d.o.b:	
Name of victim and relationship to offender:	
If victim not alive, name of nearest relative:	
Name of primary responsible authority:	
Index offence:	
MAPPA level:	
Type of supervision/statutory order offender subject to (if relevant):	
Date statutory order imposed/date of release from custody on statutory supervision (if relevant):	
Current whereabouts of the offender:	At liberty/in custody/deceased.
Brief description of incident (nature and extent of harm/gender and age of victim where appropriate):	
Brief description of the offender's relevant history (extent and nature of	

offending; compliance with supervision; discipline issues in custody):	
Is the incident is likely to attract local or national media interest? If yes, state why:	Yes/No
Are there charges pending against the offender or, if deceased, against alleged perpetrator?	Yes /No/Not known
Name of police Senior Investigating Officer and contact details:	
Name and designation of person submitting initial report:	
Date signed:	
Name and designation of senior manager signing-off notification:	
Date signed:	

Form 2

MAPPA Significant Case Review Process

Review of Initial Notification by SOG Chair:

Decision Summary	
Date of incident:	
Name of Offender:	
Offender's d.o.b:	
Name of primary responsible authority:	
Index Offence:	
MAPPA Level:	
Is there sufficient information to allow the SOG to take an informed and defensible decision on proceeding to Significant Case Review:	Yes/No
If No, request an ICR report and detail what further information is required, and what agencies should supply it (this information should be supplied by the agency within 11 working days):	
Name of Chair of SOG and signature:	
Date signed:	

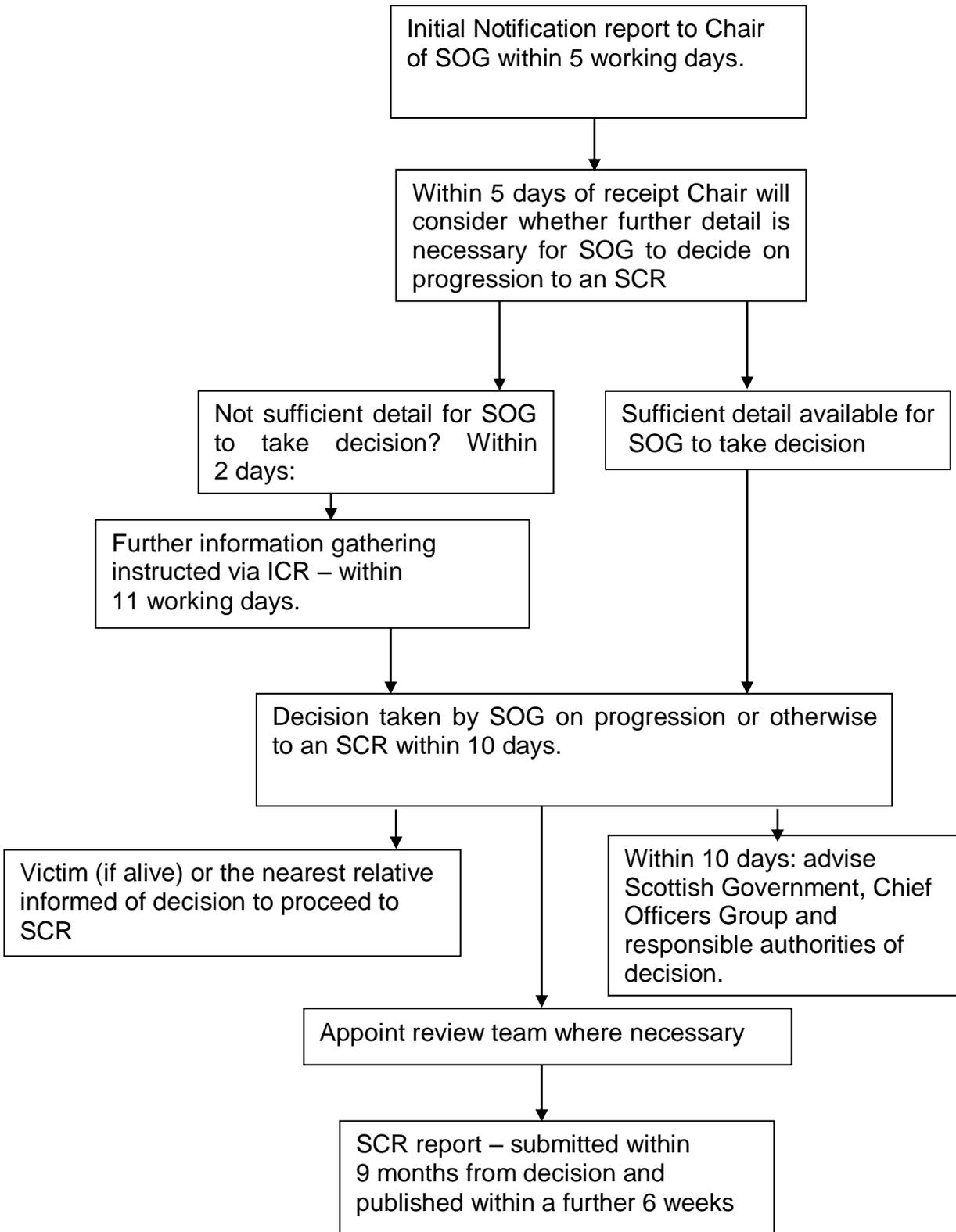
Form 3

MAPPA Significant Case Review Process

Strategic Oversight Group SCR Decision Summary:

Name of Offender:	
Offender's d.o.b:	
Name of primary responsible authority:	
Date of incident:	
Index offence:	
MAPPA level:	
Decision following review of information:	
<ul style="list-style-type: none">No further review or action required. (Please detail rationale.)	
<ul style="list-style-type: none">No further review needed but follow up action required. (Please detail rationale and action to be taken.)	
<ul style="list-style-type: none">Commission a SCR.	
If applicable, will this be an internal SCR or an external SCR? Detail rationale for decision.	
Who is the lead officer/official? (Name, designation/contact no.)	
Intended date for completion of SCR:	
Name of Chair of SOG and signature:	
Date signed:	

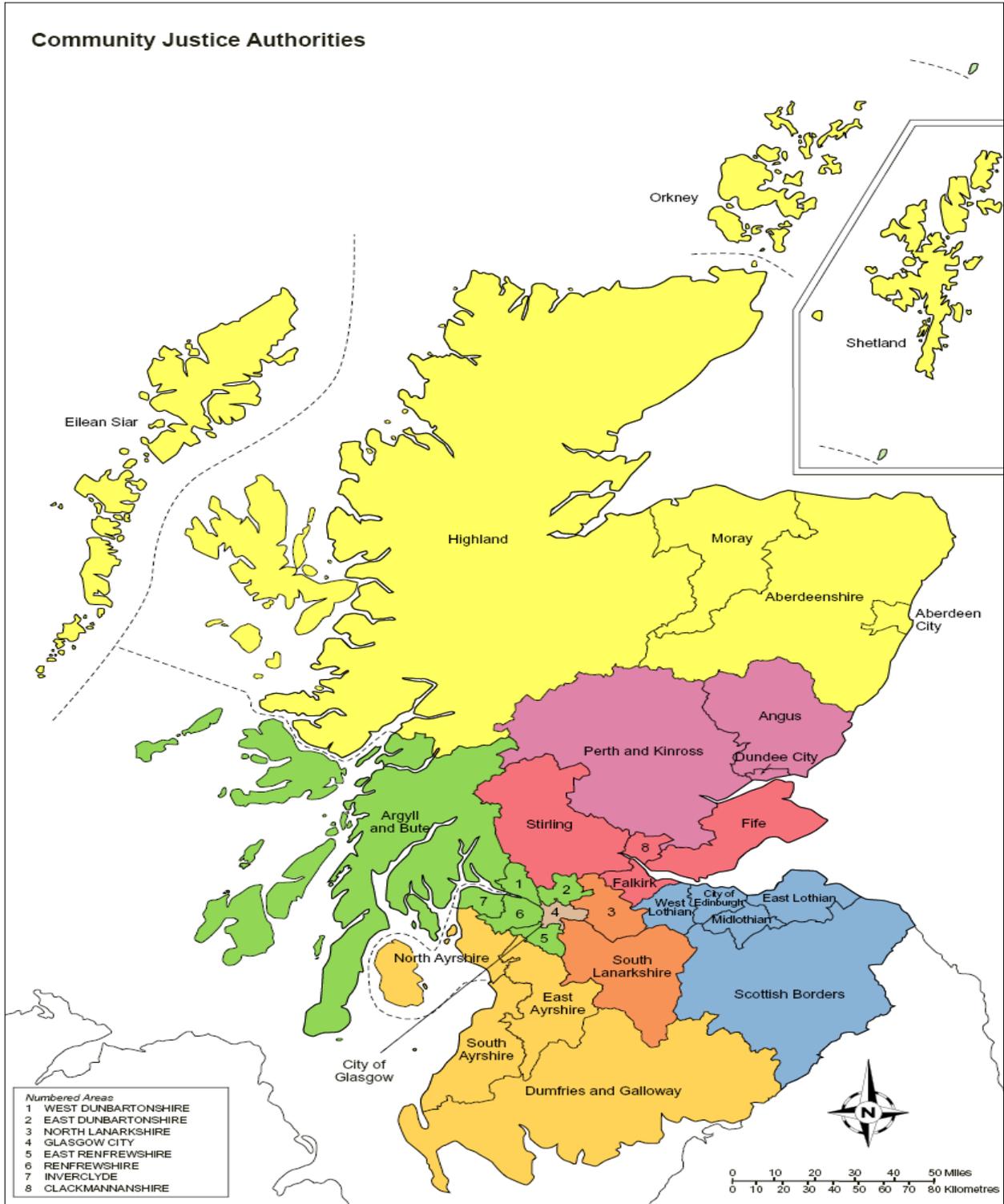
Significant Case Review Process Chart



ANNEX:

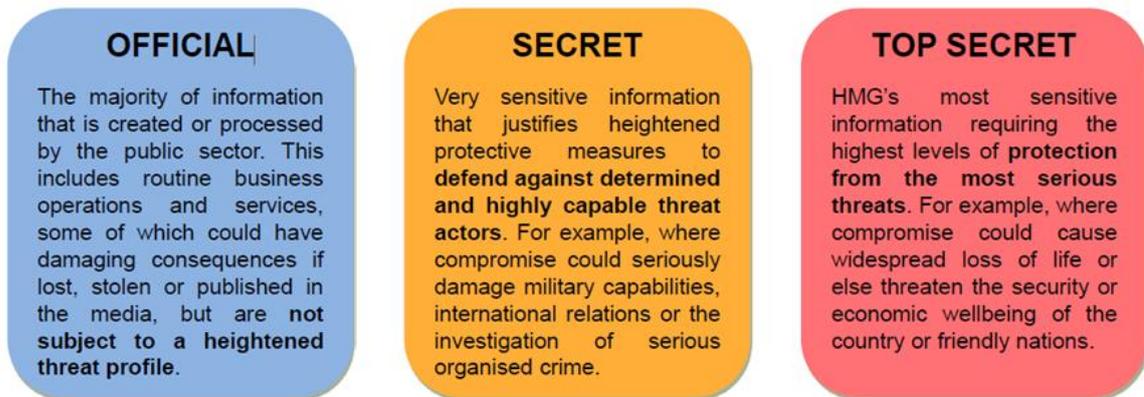
- 1. Geographical model of MAPPA in Scotland**
- 2. Government Security Classifications**
- 3. Annual Reports**
- 4. Model Memorandum of Understanding**
- 5. MAPPA Coordinator Responsibilities**
- 6. Responsible Authorities & DTC Bodies Roles & Responsibilities**
- 7. Civil Orders**
- 8. Transfer of MAPPA Cases**
- 9. Glossary**

ANNEX 1: GEOGRAPHICAL MODEL FOR SCOTLAND



Number of Coordinators	Eight CJAs	Police Scotland Division	Health Boards	Unitary Authorities	
Two	Northern CJA	Aberdeen city / Aberdeenshire & Moray	NHS Grampian	Aberdeen City Aberdeenshire Moray Highland	
		Highland & Islands	NHS Highland		
			NHS Orkney		Orkney
			NHS Shetland		Shetland
			NHS W. Isles	W. Isles	
One	Lothian & Borders CJA	Edinburgh / Lothians & Scottish Borders	NHS Lothian	Edinburgh East L & B Partnership Lothian West Lothian Midlothian Scottish Borders	
			NHS Borders		
One	Tayside	Tayside	NHS Tayside	Tayside Partnership Angus Dundee City Perth & Kinross	
Two	Fife and Forth Valley	Fife	NHS Fife	Fife Unitary Authority	
		Forth Valley	NHS Forth Valley	Forth Valley Clackmannanshire Falkirk Stirling	
One	North Strathclyde CJA	Argyll & West Dunbartonshire	NHS Greater Glasgow and Clyde and NHS Highland	Argyll, Bute & Dunbartonshires Argyll & Bute East Dunbartonshire West Dunbartonshire	
				East Renfrewshire Renfrewshire Inverclyde	
One	Glasgow CJA (unitary)	Greater Glasgow	NHS Greater Glasgow and Clyde	Glasgow City (unitary)	
One	Lanarkshire			Lanarkshire	NHS Lanarkshire
Two	South West Scotland CJA	Ayrshire	NHS Ayrshire & Arran	Ayrshire East Ayrshire North Ayrshire South Ayrshire	
		Dumfries & Galloway	NHS Dumfries & Galloway	Dumfries & Galloway (unitary)	

ANNEX 2: GOVERNMENT SECURITY CLASSIFICATIONS



The security classifications help with identifying and working with information of different sensitivities. The new classifications are a simplified and more cost-effective approach, with increased emphasis on risk management and judgement.

The OFFICIAL security classification is for the majority of government business and public service delivery, including information that is sensitive and must not be shared freely.

A small amount of OFFICIAL information is of a particularly sensitive nature, this is information where loss or disclosure would have damaging consequences for your organisation, government or cause significant distress for an individual or group of people. It is important that we are able to identify this type of information quickly and easily so that it can be protected appropriately. Sensitive OFFICIAL information should always be clearly marked as: OFFICIAL-SENSITIVE.

There are two further security classifications, SECRET and TOP SECRET, that are used for highly sensitive information relating to defence, diplomacy or national security.

Further information on the government security classifications can be found via the following link:

<https://www.gov.uk/government/publications/government-security-classifications>

ANNEX 3: ANNUAL REPORT

Sections 3 (10) and 11 of the Management of Offenders etc (Scotland) Act 2005 sets out the legislative requirements in respect of the publication of an annual report and the provision of information to Scottish Ministers.

The report is the responsibility of the Community Justice Authority (CJA) and should be published on the CJA website. The reporting period is from 1 April to 31 March every year.

The Scottish Government will compile and publish on the government website an annual overview report which will also contain a summary of matters or events which have had national significance within the reporting period.

The following tables set out the information required by Scottish Ministers:

Table 1: Statistical information

REGISTERED SEX OFFENDERS (RSOs)	NUMBER
a) Number of <u>Registered Sex Offenders</u>:	
I. Per 100,000 of the population on 31 March	
II. At liberty and living in Scotland on 31 March	
b) The number of RSOs having a notification requirement who were reported for breaches of the requirements to notify	
c) The number of 'wanted' RSOs on 31 March	
d) The number of 'missing' RSOs on 31 March	

Table 2: Statistical information*. This Table shows Civil Orders applied and granted in relation to RSOs.

The Number of:	Number
a) <u>Sexual Offences Prevention Orders (SOPOs)</u> in force on 31 March	
b) <u>SOPOs</u> imposed by courts between 1 April and 31 March	
c) Number of sex offenders convicted of breaching <u>SOPO</u> conditions between 1 April and 31 March	
d) <u>Risk of Sexual Harm Orders (RSHOs)</u> in force on 31 March	
e) Numbers of people convicted of breaches of <u>RSHO</u> between 1 April and 31 March	
f) Number of <u>Foreign Travel Orders</u> imposed by the courts between 1 April and 31 March	
g) <u>Notification Orders</u> imposed by the courts between 1 April and 31 March	
Number of RSO subject to formal disclosure between 1 st April and 31 st March	

***Unless stated the statistics recorded are for the reporting period 1 April to 31 March.**

Table 3: Statistical Information*

REGISTERED SEX OFFENDERS (RSOs)	NUMBER OF OFFENDERS
a) Number of RSOs managed by MAPPA Category as at 31 March;	
I. Level 1 - Routine Risk Management	
II. Level 2 - Multi-agency Risk Management	
III. Level 3 - MAPPP	
b) Number of Registered Sex Offenders convicted of a further Group 1 or 2 crime;	
I. MAPPA Level 1	
II. MAPPA Level 2	
III. MAPPP Level 3	
c) Number of RSOs returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of Group 1 or 2 crime)	
d) Number of indefinite sex offenders reviewed under the terms of the <u>Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011</u> between 1 April and 31 March	
e) Number of notification continuation orders issued under the terms of the <u>Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011</u> between 1 April and 31 March	
f) Number of notifications made to Jobcentre Plus under the terms of the <u>Management of Offenders etc. (Scotland) Act, 2005 (Disclosure of Information) Order 2010</u> between 1 April and 31 March	

Table 4: Statistical Information

RESTRICTED PATIENTS (RPs):	NUMBER
a) Number of RPs;	
I. Living in Scotland on 31 March	
II. During the reporting year	
b) Number of RPs per order	
I. CORO	
II. HD	
III. TTD	
c) Number within hospital/community;	
I. State Hospital	
II. Other hospital no suspension of detention (SUS)	
III. Other hospital with unescorted SUS	
IV. Community (Conditional Discharge)	
d) Number managed by category on 31 March;	
Level 1 - Routine agency risk management	

Level 2 - multi-agency risk	
Level 3 - MAPPP	
e) Number of RPs convicted of a further crime of Group 1 or 2 crime;	
I. MAPPA Level 1	
II. MAPPA Level 2	
III. MAPPP Level 3	
f) Number of RPs on Suspension of detention;	
I. who did not abscond or offend	
II. who absconded	
III. who absconded and then offended	
IV. where absconsion resulted in withdrawal of suspension of detention	
g) Number of RPs on Conditional Discharge;	
I. who did not breach conditions, not recalled or did not offend	
II. who breached conditions (resulting in letter from the Scottish Government)	
recalled by Scottish Ministers due to breaching conditions	
recalled by Scottish Ministers for other reasons	

Table 5: Delineation of RSOs by age on 31 March

Age	RSO Number	RSO Percentage
Under 18		
18 - 20		
21 - 30		
31 - 40		
41 - 50		
51 - 60		
61 - 70		
71 - 80		
81 - 90		
91 - 100		

Table 6: Delineation of population of RSOs on 31 March

Sex	RSO Number	RSO Percentage
Male		
Female		

Table 7: Delineation of RSOs by ethnicity on 31 March

Ethnic Origin	RSO Number	RSO Percentage
White Scottish		
Other British		
Irish		
Gypsy/Traveller		
Polish		
Other white ethnic group		
Mixed or multiple ethnic group		
Pakistani, Pakistani Scottish or Pakistani British		
Indian, Indian Scottish or Indian British		
Bangladeshi, Bangladeshi Scottish or Bangladeshi British		
Chinese, Chinese Scottish or Chinese British		
Other Asian		
African, African Scottish or African British		

Other African		
Caribbean, Caribbean Scottish or Caribbean British		
Black, Black Scottish or Black British		
Other Caribbean or Black		
Arab, Arab Scottish or Arab British		
Other ethnic group		
Subject Declines to define Ethnicity		
Subject Does Not Understand		

Table 8: Number of RSOs managed under statutory conditions and/or notification requirements on 31 March:

Number of RSOs	Number	Percentage
On Statutory supervision		
Subject to notification requirements only		

*The **Scottish Prison Service** will provide statistics in relation to:

- Programme completion for sex offenders by prison
- Programme completion for sex offenders by CJA
- National Training Statistics for SPS staff in key areas for sex offending programmes and risk assessment
- Number of completed risk assessments for registered sex offenders by prison
- Number of completed risk assessments for registered sex offenders by CJA
- Total number of group work programmes
- Total number of offenders who engaged in treatment

ANNEX 4: MODEL MEMORANDUM OF UNDERSTANDING

Multi Agency Public Protection Arrangements (MAPPA)

Model Memorandum of Understanding between the Responsible Authorities and the Duty to Cooperate Agencies within the Area of (xx) Community Justice Authority

Statutory Basis

1 Sections 10 and 11 of the Management of Offenders etc. (Scotland) Act 2005 (see Annex to this Model Memorandum) require the Scottish Prison Service, local authorities and the Police as responsible authorities in the area of a local authority to jointly establish arrangements for the assessment and management of risks posed by sex offenders subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

2 In addition, the legislation also provides health boards and Special Health Boards with statutory functions as responsible authorities to establish joint arrangements for the assessment and management of risk posed by mentally disordered offenders who are restricted patients.

Duty to Cooperate (DTC)

3 Sections 10(3) and (4) of the Act provide that in establishing and implementing the joint arrangements, the responsible authorities must act in cooperation with such persons as Scottish Ministers specify by Order. As a result it will be the duty of those persons and authorities specified in the Order to cooperate with the responsible authorities. Cooperation must be compatible with the exercise by those persons and authorities of their other statutory functions. It is intended as a means of enabling different agencies to work together but within their legitimate role whilst retaining their responsibility for action. The Act also provides that the DTC is reciprocal and requires agencies to cooperate with each other. The definition of 'cooperate' includes the exchange of information. Both public and other agencies are required to act responsibly and jointly to deliver the requirements of the law and compliance with the DTC will be reinforced through regulation and inspection regimes.

4 Section 10(5) of the Act requires the responsible authorities and the DTC agencies to develop a memorandum such as this, enabling the practicalities of cooperation to be agreed locally.

5 Section 10(7) of the Act defines the 'responsible authorities' who are required by section 10(1) to work together to establish joint arrangements for the assessment and management of risks posed by sex offenders and restricted patients. One of the 'responsible authorities' is the local authority. The primary responsibility for working on the joint arrangements will lie with the Chief Social Work Officer. However, other local authority services, such as education and housing services, will also be required to discharge the corporate responsibility under this function.

6 The following agencies/ bodies in [xx] area with a DTC are signatories to this Memorandum of Understanding and include: *Example G4S (delivering electronic monitoring services) (XX) Health Board, Scottish Children's Reporter Administration (SCRA).*

Principles and Purpose of the DTC

7 This memorandum has been prepared by the responsible authorities and the duty to cooperate agencies. It is founded on the principles of the MAPPA Guidance and sets out the purpose of the DTC and how that duty will be delivered by the agencies party to the memorandum.

8 All agencies involved with sex offenders and restricted patients and party to this memorandum are committed to working on a reciprocal basis by:

- sharing relevant information within agreed protocols and the development of good practice in relation to the assessment and management of MAPPA offenders within the area of the CJA;
- the effective use of resources to manage those offenders; and
- cooperating in order to develop and sustain public confidence in the multi-agency public protection arrangements.

9 The purposes of cooperation are to coordinate the involvement of different agencies in assessing and managing risk to enable every agency which has a legitimate interest, to contribute as fully as its existing statutory role and functions require in a way that complements the work of other agencies.

10 The DTC relates only to the operational, case-related work involved in assessing and managing the risks posed by sex offenders and restricted patients as defined by section 10 of the Management of Offenders, etc (Scotland) Act 2005.

11 As previously stated the DTC is reciprocal. It requires the responsible authorities to cooperate with the DTC agencies, and those agencies to cooperate with the responsible authorities in assessing and managing the risks posed by sex offenders and restricted patients.

12 DTC agencies cooperate only in so far as this is compatible with their existing statutory responsibilities. Therefore, the duty does not require the agencies on which it is imposed to do anything other than what they are already required to do. It does require them to carry out their responsibilities, where these relate to sex offenders and restricted patients, however to do so collaboratively with the responsible authorities and the other DTC agencies.

13 The responsible authorities and the DTC agencies must set out the ways in which they are to cooperate in this Memorandum. This document constitutes this agreement.

Practicalities of Cooperation (example can be added to or amended locally)

14 Agencies involved in the process agree to work together. Representatives will:

- be in a position to make decisions which will commit appropriate resources based on agreed levels of risk assessment and management;
- participate in the assessment and management of sex offenders and restricted patients, for the effective protection of the public;
- develop an understanding and respect for the differences in agency role and service provision;
- cooperate within their agency's role and statutory power. It should be noted that the arrangements do not aggregate the responsibility and authority of the agencies involved, it clarifies the role each agency is to play;
- carry out confident, appropriate and effective information sharing in accordance with the law and in line with local Information Sharing Protocols;
- ensure that diversity issues/equal opportunities for both members of the public and offenders are taken into consideration when assessing risk and formulating risk management plans. Equality before the law is an essential principle in the area of criminal justice and it is important therefore that legal obligations in relation to race, religion, sexual orientation, age, gender and disabilities are recognised;
- attend, where appropriate, MAPPA and other meetings in the delivery of public protection. (In relation to Level 2 and 3 meetings, each agency will provide appropriate representation in line with the MAPPA guidance.)

Disclosure of Information

15 Disclosure of information relating to a registered sex offender can take place in three ways in Scotland, namely;

- The sex offender can self-disclose;
- A disclosure can be made by social workers;
- A formal disclosure can be made by a Chief Constable.

16 The signatories to this memorandum agree that in any situation where the issue of disclosure is a possibility, the case must be discussed with the Police.

17 Issues around disclosure are also covered within the MAPPA Guidance and in the [National Accommodation Strategy for Sex Offenders](#).

18 Disclosure of information on other offenders subject to the MAPPA should only be undertaken following discussion with the responsible authorities and other DTC agencies involved.

Information Sharing

19 The signatories to this memorandum agree to work to the principles of the Concordat on Information Sharing for Sex Offenders including:

- the implementation and review of national standards (Annex 2 of the Concordat) and;
- the adoption and use of the definitions agreed. (Annex 3 of the Concordat).

20 The protocols appended to this memorandum provide the basis of the information to be shared between each agency which is a signatory to this memorandum. (N.B. the responsible authorities and DTC agencies should develop protocols on information sharing).

Dispute Resolution

21 The primary objective of the MAPPA is public protection. There will be occasions when the responsible authorities and/or the DTC agencies cannot reach agreement. The memorandum should therefore contain an agreed protocol for speedy dispute resolution. It should be noted however that the responsible authorities and DTC agencies still retain statutory responsibility for discharge of their statutory function.

Annual Report

22 The agencies party to this memorandum agree to cooperate with the responsible authorities in the preparation of the annual report under section 11 of the Management of Offenders etc. (Scotland) Act 2005, e.g. in the provision of statistics, case studies etc.

Risk-Proofing and Quality Assurance

23 Agencies involved in MAPPA should agree to ensure that they have processes in place for risk-proofing and quality assurance of their functions and duties.

Media Handling Strategy (Example)

24 The management of MAPPA offenders requires effective partnerships between all agencies. This includes a joint approach to the media and handling of publicity.

25 The agencies party to this memorandum agree to the following media strategy in relation to the provision of information on individual cases and on the operation of the MAPPA arrangements.

26 The strategy should include but is not limited to the following:

- The responsible authorities, i.e. Police, local authority, Scottish Prison Service (SPS) and health board will designate a senior member of staff as a communications or media spokesperson to whom all routine and emergency enquiries or concerns can be referred by the DTC agencies;
- The responsible authorities will liaise with DTC agencies to ensure that they are aware of media attention or impending media reports.

Status of the Memorandum of Understanding

27 This memorandum is a working document and subject to review and may be altered at any time to reflect changing circumstances. Such changes will be subject to the agreement of all parties.

28 The review of this document will take place on: [Set date for review].

29 The parties to this Memorandum are: [List parties].

ANNEX 5: MAPPA COORDINATOR RESPONSIBILITIES

The role of the MAPPA coordinator includes the following responsibilities:

- Report to, and be directed by, the MAPPA Strategic Oversight Group (SOG)
- Provide a central point of reference for responsible authorities and DTC agencies in relation to the MAPPA
- Provide consultancy to agencies, providing advice and direction for MAPPA queries
- In consultation with relevant organisations, develop policies and procedures to support the implementation and maintenance of MAPPA guidance/requirements
- Design documents and other methods of information dissemination in support of MAPPA
- Deliver MAPPA awareness-raising seminars
- Attend team meetings of relevant agencies to provide information and support re MAPPA processes
- Receive notifications and referrals to MAPPA
- Act as single point of contact for all notifications
- Complete quality audit of notifications, maintain records and compile statistics for reporting purposes
- Act as single point of contact for all referrals
- Act as a gatekeeper, ensuring that appropriate levels are made at the right level of risk
- Challenge referral decisions if criteria do not appear to have been met
- Act as a conduit for appropriate links between MAPPA and other public protection forums
- Consult with child protection agencies to ensure explicit links with MAPPA and child protection systems are made and sustained
- Consult with adult protection agencies to ensure explicit links with MAPPA and adult protection systems are made and sustained
- Liaise with the SOLO on housing issues
- Identify which agencies are central to the delivery of risk management plans and organise appropriate attendance at meetings
- Develop and establish local networks with responsible authorities and DTC agencies
- Maintain purposeful on-going contact with these agencies and negotiate with senior managers whenever necessary
- Maintain up-to-date list of Single Point of Contact (SPOC) for each agency

- Call for supporting information from the responsible authorities
- Identify which agencies should be core members of a MAPPA
- Determine whether attendance is vital and call for reports where it is not
- Require Agencies to search records for relevant information/collation of pre-meeting information
- Send forms requesting information to invitees/agencies for action
- Provide support to agencies to assist returns within five working days
- Identify gaps in knowledge and seek additional information where required
- Check quality of received information and address inadequacies with services
- Follow up non-returns and report on this to strategic/implementation group
- Arrange meetings, ensuring invitations to attend and supporting documentation are sent out on time
- Maintain set days for meetings
- Arrange initial meetings in consultation with attendees to maximise participation
- Monitor the sending of invites to ensure they are received by agencies at least five working days prior to Level 2 meetings, more where possible
- Arrange Level 3 meetings as quickly as possible to meet five-day performance indicator
- Compile pre-meeting information pack and send with invitations
- Provide quality assurance of MAPPA processes and monitor work to ensure a consistency of approach and that informed and appropriate decisions are taken
- Conduct regular audits of MAPPA systems
- Maintain and collate statistical information
- Analyse audit results and feedback to responsible authorities
- Ensure information systems and records are up to date and fit for purpose
- Identify difficulties within systems and work with the responsible authorities to find solutions
- Follow up non-attendance at MAPPA meetings
- Liaise with senior manager colleagues to resolve difficulties in attendance
- Link with coordinators nationally to improve consistency of systems
- Audit minutes and identify gaps for dissemination to MAPPA Chairs
- Complete tasks from meetings as set by meeting Chairs

- Access and, where appropriate, input information on ViSOR
- Attend Level 3 meetings (and Level 2 meetings where possible)
- Provide relevant input to meetings as required
- Provide information to panel on behalf of absent agencies where possible
- Assist the Chair as required
- Provide panel with information regarding strategies used in other panels, whilst maintaining confidentiality
- Manage the MAPPA administration support staff
- Continually monitor workload and feedback issues to the responsible authorities
- Provide support to staff in relation to confidentiality, dealing with offence related information etc
- Ensure cover is available for minutes taking/administration requirements
- Quality assure minutes prior to them being sent out to panel members
- Liaise with support services to ensure annual and sick leave is managed according to the contingencies of the service
- Draft Annual Report on behalf of the responsible authorities
- Develop inter-agency liaison including in relation to the development of training on risk assessment and risk management
- Where appropriate, act as a single point of contact for external agencies in relation to training opportunities, e.g. RMA
- Disseminate information on training opportunities to partner agencies
- Collate information from assessing quality of supporting information to identify training needs
- Attend training courses relevant to the assessment and management of dangerous offenders
- Maintain Links with MAPPA in other areas
- Inform other coordinators when offenders move to their area
- Secure cooperation from responsible authorities in other areas in relation to offenders and victim
- Attend national coordinators meetings as required
- Form and maintain links with responsible authorities nationally, e.g. SPS, State Hospital
- Ensure that the principles in relation to information sharing, confidentiality and disclosure are maintained as outlined in the Memorandum of Understanding and information sharing protocols
- Actively participate in reviewing policy documents in light of legislative changes, and or internal developments, and at set review times

- Ensure meeting participants are aware of confidentiality requirements and that confidentiality statement signatories are maintained
- Provide advice to agencies regarding the on-going receipt and storage of sensitive information
- Ensure documentation transfer is in line with the government protective marking scheme (GPMS)
- Obtain, where possible, copies of written consent for information sharing where appropriate
- Ensure discussions about public disclosure are recorded adequately within meeting minutes
- Actively market the work of the MAPPAs
- Undertake other such reasonable duties which may be required from time to time by the SOG.

ANNEX 6: RESPONSIBLE AUTHORITIES/ DUTY TO COOPERATE (DTC) AGENCIES - ROLES AND RESPONSIBILITIES

1 This part of the Guidance outlines the roles and responsibilities of each responsible authority and DTC agency. The detail should be agreed in the memorandum which the responsible authorities and DTC agencies are required by section 10 (5) of the Management of Offenders etc (Scotland) Act 2005 to draw up in the area of each local authority, setting out the ways in which they are to cooperate with each other.

LOCAL AUTHORITY SOCIAL WORK SERVICES

Chief Social Work Officer

2 Each local authority has a designated Chief Social Work Officer who is responsible for overseeing social work services.

3 They are responsible for the assessment and management of certain categories of offenders who may pose a risk to the public under the Management of Offenders etc. (Scotland) Act 2005).

4 Criminal Justice Social Work is also responsible under section 27 of the Social Work (Scotland) Act 1968 (as amended) for:

- provision of reports on offenders to the court, the Scottish Prison Service, Parole Board for Scotland or other agencies; e.g. the Criminal Justice Social Work Report (CJSWR), the Throughcare Assessment for Parole (TAP), Home Leave Reports, Breach Reports etc
- assessment and management of offenders in relation to community sentences, including the Community Payback Order (which replaced probation, community service and supervised attendance orders from 1 February 2011);
- provision of statutory and voluntary throughcare services to prisoners.

5 Different local authorities have different departmental structures, they may provide services themselves or in partnership with other agencies. They also vary in which ancillary services they provide. Different local authorities may be involved in the provision of pilot schemes that are not available throughout the country for example, the provision of specialist courts or various community disposals.

Adult Offenders

6 The local authorities provide a range of social work and social care services, including the provision of criminal justice services. Criminal Justice Social Work is responsible for the statutory supervision of post-custodial licences, including sex offenders sentenced to six months or more. All local authorities provide a voluntary throughcare service for those short-term prisoners (under 4 years)

who apply for such a service up to 12 months after leaving custody. Those short-term prisoners who have substance misuse problems may be referred to the Throughcare Addiction Service (TAS).

7 National Outcomes and Standards lay down that reports to Court or the Parole Board should include a risk assessment and any action plan for someone on probation or a post-custodial licence should include a risk management plan aimed at reducing the risk of re-offending or the risk of serious harm. Supervision of these orders or licences should be informed by the risk management plan.

Children and Young People who Offend

8 Local authorities provide services to young people who offend or who are at risk of offending. This covers anyone up to the age of 16 who is offending, including registered sex offenders, and may cover those between 16 and 18. It may be that Child or Youth Justice Services, rather than the adult service, will supervise young people on community sentences.

9 Children who offend are considered to be children in need and are governed in the main by the principle that the paramount consideration must be the welfare of the child. However, the Children's Hearings (Scotland) Act 2011 (sections 25 and 26) states there may be exceptions to this for the purposes of protecting members of the public from serious harm (whether or not physical harm). In such circumstances a local authority may act or take decisions which are not consistent with affording paramount consideration to the welfare of the child, but which place a greater emphasis on public safety; there remains a duty, however, to consider the young person's needs and these cannot be disregarded.

10 Regardless of which system they are in, when assessing young people under 18, an understanding of the behaviour within its development and situational context is necessary. Risk management plans should outline clearly how risk is to be reduced as well as managed, and the plan for risk reduction should link to the assessment of how the young person's developmental needs can most appropriately be met.

11 Further information in relation to children and young people who offend can be found within the Scottish Government documents, Framework for Risk Assessment Management and Evaluation (FRAME) for Local Authorities and Partners for Children and Young People under 18 and the Whole System Approach.

Child Protection

12 In addition to the services to adult and young people involved in offending, local authorities have a duty to promote the wellbeing of children, and to identify and respond to situations where children may be at risk of harm as per the Scottish Government [Child Protection Guidance](#). Each local authority will provide child protection guidance on how its staff will fulfil their child protection

duties. All agencies, professional bodies, services and individuals which work with children and their families have a responsibility to recognise and actively consider potential risks to a child, irrespective of whether the child is their 'client'. These agencies include the Scottish Prison Service, service providers in prisons and the community, police, local authorities including education. An awareness and appreciation of the role of others is essential for the effective collaboration between organisations, professional bodies and the public.

13 Specifically, local authorities are required to make enquiries about any children referred to them in order to determine:

- if they are in need;
- if compulsory measures of supervision are required; or
- if emergency child protection measure need to be taken to secure the child's safety.

14 On the basis of information gathered, the social work service will determine if a multi-agency plan is needed for the support and protection of the child. This will be developed as part of a multi-agency case conference and may include a decision to place the child on the Child Protection Register or to refer the child to the Children's Reporter.

15 Where urgent action is needed, social work services may apply to the Sheriff for emergency child protection measures:

- an Exclusion Order against the person who is likely to place the child at risk prohibiting the named individual from residing at a given address and defining contact;
- an Assessment Order requiring a child to be made available for assessment purposes (for example, a health assessment);
- or a Child Protection Order (CPO) to remove the child to a place of safety.

16 A separate option, and one which in law must be attempted prior to seeking emergency child protection measures, is for social work services to attempt to reach agreement with the parents of the child that the child be looked after by the local authority or by another responsible person.

17 In addition, each local authority will be part of a multi-agency approach to child protection, led by a Child Protection Committee. The Committee will issue multi-agency guidance laying out the points of contact, guidance etc.

Getting it Right for Every Child (GIRFEC)

18 GIRFEC is the Scottish Government's national change programme aimed at changing the way adults think and act to help all children and young people

grow, develop and reach their core potential. Children and Young People (Scotland) Bill (as passed) outlines the requirement for a named person, lead professional and child's plan

19 GIRFEC is a common, coordinated approach across all agencies that supports the delivery of appropriate, proportionate and timely help to all children.

20 This approach is consistent with the principles of early intervention and means that concerns for a child should be identified at an early stage, to ensure that their needs are addressed by a system which supports staff to work together, share information where necessary and with consent and ensure that children get the right support, when they need it, for as long as they need it.

21 Under GIRFEC, risk management plans for young people should flow from an assessment involving child-centred approaches and tools, recognising both risks and needs, and be integrated as part of the 'single' plan.

Adults at Risk of Harm

22 Local authorities have a duty to investigate the circumstances of adults who are unable to protect themselves, are at risk of harm, and who are more vulnerable because of ill health/disability.

23 Identification of any adult meeting the above criteria should be followed by an adult protection referral to the relevant local authority.

24 In the absence of an identified adult protection contact person agencies should contact the Chief Social Work Officer.

The Police

25 The police have a duty to uphold the law by preventing the committing of offences, by preserving order and by protecting life and property. They have risk assessment procedures in place to ensure the safety and wellbeing of any individual who considers themselves to be in a threatening situation.

26 The responsibilities of the police in relation to people who are subject to the SONR are:

- to maintain an accurate record of those persons in the police force area who are required to register with the police in terms of sex offender legislation;
- to initiate enquiries where such persons fail to comply with the requirements placed upon them; to participate in the multi-agency process established for assessing and managing the risk presented by sex offenders or other potentially dangerous offenders in the community;
- and to develop, in conjunction with partner agencies, risk management plans for the purpose of managing the risks posed by sex offenders.

27 The police also have a responsibility to keep records on unregistered sex offenders whose current behaviour is of concern.

The Scottish Prison Service (SPS)

28 For all prisoners, the SPS is responsible for carrying out risk and needs assessments to assist in determining the management of the prisoner during sentence and in preparation for pre-release planning and release. SPS is also responsible for pro-active joint working with the CJSW supervising officer during sentence and in preparation for release. This process of sentence planning is referred to as Integrated Case Management (ICM). A key objective of ICM is to ensure that, along with the police and CJSW, SPS meets statutory requirements to establish joint arrangements for assessing and managing the risk posed by sex offenders, including the sharing of information.

Electronic Monitoring Service Providers

29 Electronic monitoring service providers are included in the DTC in acknowledgement of the important service they can provide as part of a high-risk management plan. Currently the Scottish Government contract for the provision of electronic monitoring in Scotland is with G4S

30 G4S DTC is to be understood as being synonymous with their contractual responsibilities.

31 In practical terms this may involve them:

- providing a point of contact for advice to the responsible authorities on the available technology, explaining what it can and cannot do; and
- attendance by a member of the G4S management team at MAPPA or MAPPP meetings when the circumstances of a particular case deem it appropriate for them to do so.

32 It is recognised that electronic monitoring has a part to play in supporting and adding robustness to an offender's licence which may contain a number of specific conditions. G4S must ensure that appropriate protocols are put in place to share information about MAPPA offenders. These protocols will shape communication with partner agencies and ensure that information on any failure by the offender to comply will be passed to appropriate agencies within an agreed time scale.

Education Authorities

33 Local Authority Education Services must act in cooperation with other responsible authorities and DTC agencies in the management of offenders under sections 10 and 11 of the Management of Offenders etc (Scotland) Act 2005. This duty will be performed in the context of the local or relevant MAPPA but only insofar as this is compatible with existing statutory responsibilities.

General Responsibilities

34 Education Authorities are statutorily required to 'make adequate and efficient provision of school education' (Education Scotland Act 1980) for their area. They are further required to develop the 'personality, talents, mental and physical abilities' of children and young people to their 'fullest potential' (Standards in Scotland's Schools Act 2004). They have a duty to identify and keep under consideration any additional support needs of any kind that children and young people may have and to meet such needs, in cooperation with other authorities and bodies in certain circumstances (Education Additional Support for Learning Scotland Act 2004), reinforcing their shared, corporate responsibilities under the Children Scotland Act 1995 to make provision for children 'in need'.

35 They have therefore a dual role in providing education, and in developing and nurturing children and young people.

Working Cooperatively

36 Increasingly, education services are working in an integrated way with social work, health, the voluntary sector and other relevant bodies (e.g. the police) in the following areas:

- Planning and delivery of services;
- Assessment and information sharing about individual children and families;
- Ensuring child protection;
- Significant incident review;
- Quality assurance and inspection.

37 Local authorities are required to publish plans for Children's Services, whilst integrated inspections of these services extend to all services for children.

38 Thus, national and local governance arrangements and practice; frameworks, protocols and procedures for partnership working and cooperation already exist across a number of the responsible authorities and DTC agencies.

39 Education authorities already cooperate with relevant bodies in relation to the provision of information and the assessment of risk for offenders. A further consideration for education services will be their duties under the Protection of Vulnerable Groups (Scotland) Act 2007 to refer onto the list of people disqualified from working with children, anyone with a relevant conviction, or anyone who has been dismissed or transferred or moved where there was judged to be risk of harm to children. Education authorities have a similar but wider ranging legal duty to refer matters concerning the conduct of certain staff to the General Teaching Council (Scotland).

Voluntary Sector

40 The statutory authorities can commission services from the voluntary sector to support, complement and enhance their own provision.

41 The voluntary sector agencies include the larger organisations such as SACRO and APEX that specialise in work with offenders and also those that provide services such as supported accommodation to a range of service user groups.

42 The range of services that are provided to offenders that pose risks include:

- Intensive support and monitoring
- Residential facilities
- Supported flats and tenancies
- Bail supervision
- Services related to alcohol and drug misuse
- Group work programmes
- Voluntary throughcare
- Employability support services

43 Through the provision of these services, voluntary sector staff are in a key position to share information. They observe their service users out-with formal office settings, often when they are relating to other people in the community. Their contact with offenders is often more frequent and intense than is possible for statutory workers. This places them in a favourable position to contribute to risk assessment and risk management.

44 By providing information, they can assist the statutory services in their assessment, monitoring and supervision roles. They themselves provide support that can help to reduce risk. Stable accommodation, training and employment are factors that can have a major impact in risk management.

45 Voluntary sector staff should expect information sharing to be a two way process. They must also receive information about risk factors in relation to the people they work with. This is necessary not only to ensure the safety of their own staff but also to more effectively monitor behaviour and report potential risks as they may develop. It is important that voluntary sector staff fully understand their obligation to share information, and to support this consideration should be given to agreeing an information sharing protocol.

Scottish Children's Reporter Administration (SCRA) and the role of the principal reporter

46 The principal reporter has a statutory role in relation to the children's hearings system.

47 The role relates predominantly to two groups of children:

- children who are the subject of a current referral to the reporter (generally where an agency or individual has provided information to the reporter because the person considers that the child is in need of protection, guidance, treatment or control and that it might be necessary for a compulsory supervision order to be made in respect of the child); and
- children who are already the subject of a compulsory supervision order.

48 The principal reporter delegates to individual children's reporters his statutory duties relating to these children. The role of SCRA is to support the Principal Reporter in the exercise of his statutory functions. SCRA is a national body and children's casework is undertaken through a structure of nine localities across the country, each locality being managed by two or more locality reporter managers and aligned with a number of local authorities.

49 Children are referred to the reporter for a variety of reasons, though always because the agency or individual considers that it might be necessary for a compulsory supervision order to be made in respect of the child. In exceptional circumstances it might be possible for the reporter to treat a child as referred where a specific referral is not received. In considering the referral of any child, the reporter must determine whether he considers that a 'section 67 ground' applies and, if so, whether he considers that a compulsory supervision order is necessary. The grounds set out in section 67 of the Children's Hearings (Scotland) Act 2011 cover a wide range of circumstances relating to the child. They include circumstances giving rise to concern about the welfare of the child from other people's behaviour or from the child's behaviour. The reporter has a statutory role to:

- make further investigations relating to the child as the reporter considers necessary;
- refer the child to a children's hearing if the reporter considers that a section 67 ground applies and that a compulsory supervision order is necessary;
- if arranging a hearing, draft a statement of grounds setting out which section 67 ground or grounds the reporter believes applies to the child and the facts supporting this;
- arrange any children's hearing, ensuring that relevant written material is provided to the child (if able to understand the material), the relevant persons in relation to the child (generally parents or carers) and the members of the children's hearing;
- keep a record of who attends the children's hearing and the decisions of the hearing;
- appear in the sheriff court in any proof hearing in relation to a disputed statement of grounds; and

- notify certain parties of the outcome of the referral of the child.

50 In relation to children who are the subject of a compulsory supervision order, the principal reporter has a statutory role to:

- arrange any children's hearing to review the child's compulsory supervision order, ensuring that relevant written material is provided to the child (if able to understand the material), the relevant persons in relation to the child (generally parents or carers) and the members of the children's hearing;
- keep a record of who attends the children's hearing and the decisions of the hearing; and
- notify certain parties of the outcome of that review hearing.

51 Where a further referral is received in relation to a child who is already subject to a compulsory supervision order, the reporter must determine whether he considers that a section 67 ground applies. If so, the reporter will refer the child to a hearing where the reporter is of the view that the child's welfare requires either that a specific new statement of grounds be considered by the hearing or that the compulsory supervision order be varied.

52 It is important to note that where a child is the subject of a compulsory supervision order, it is the local authority named in that order that has the on-going statutory responsibility to implement the order and safeguard and promote the child's welfare.

53 Although the principal reporter has a statutory role in relation to a children's hearing, the children's hearing is independent of the principal reporter. The children's hearing has to decide whether a compulsory supervision order is necessary for the protection, guidance, treatment or control of the child. The hearing must also decide what measures to include in any order.

54 Under the Antisocial Behaviour etc. (Scotland) Act 2004, the principal reporter also has a statutory role in relation to applying to the Sheriff Court for a parenting order.

55 There are two groups of children in relation to whom the principal reporter is likely to have contact with the MAPPA:

- a child who has contact with an adult offender who is known to the MAPPA; and
- a child to whom section 10(1) of the Management of Offenders etc (Scotland) Act 2005 applies as a result of that child being dealt with through the criminal courts. For the avoidance of doubt, where an offence of the type mentioned in section 10(1) is dealt with through a children's hearing and either accepted or established after evidence, the MAPPA arrangements do not apply.

56 Note however that the principal reporter will only be involved if the child is one of the children identified above, in relation to whom the principal reporter has a statutory role.

57 In these cases the principal reporter may:

- request information from one or more of the responsible authorities as part of the principal reporter's investigation into the circumstances of a child;
- provide information to one or more of the responsible authorities as part of that investigation;
- request information from one or more of the responsible authorities when arranging a children's hearing to review a child's compulsory supervision order;
- provide information to one or more of the responsible authorities regarding the decision made by the reporter following a referral or regarding the decision made by any children's hearing; and
- request information (and possibly call a person as a witness) from one or more of the responsible authorities in the course of a hearing of evidence at court. Such a hearing may be necessary where a child or relevant person dispute the statement of grounds prepared by the reporter or dispute other material facts on which the hearing's decision turned.

58 Given the nature of the principal reporter's involvement in MAPPA cases, there are likely to be limited circumstances in which a locality reporter manager (or a member of his/her team) will attend a MAPPA meeting in relation to a particular case.

ANNEX 7: CIVIL ORDERS

1 There are four main types of civil orders which are designed to minimise the risk of sexual harm to the public from offenders. These are:

- Sexual Offences Prevention Orders (SOPOs)
- Risk of Sexual Harm Orders (RSHOs)
- Notification Orders
- Foreign Travel Orders (FTO)

SOPO

2 Section 104 of the Sexual Offences Act 2003 provides the legislative base for SOPOs. A SOPO can be made on application to a Sheriff Court by a Chief Constable. This type of SOPO is generally referred to as a Police SOPO. The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 amended the 2003 Act, so as to enable Court SOPOs to be made in Scotland. Scottish Court SOPOs can be imposed only if the offender had been dealt with in respect of an offence listed in paragraphs 36 to 60 of Schedule 3 to the 2003 Act.

Effect of a SOPO

3 A SOPO, whether full or interim, imposes conditions on the offender either prohibiting them from, or requiring them to do, something described in the order. These conditions must be necessary and proportionate to protect the public from serious sexual harm from the offender. As well as the SOPO requiring the offender to comply with prohibitions and obligations, it also renders them subject to the SONR while the order is in effect.

4 The minimum duration for a full order is five years.

Basic principles in relation to a SOPO

5 There are four basic principles to be kept in mind in relation to a SOPO:

- i. SOPOs can only be made against someone who is a 'qualifying offender'. A qualifying offender will have been convicted, or found not guilty by reason of insanity, or found to be under a disability and to have done the act charged, in respect of an offence listed in Schedule 3 or Schedule 5 (unless only convicted by virtue of any offence listed at paragraphs 64 to 111) to the 2003 Act. Of course, spent convictions can be relied on by the police in applying for SOPOs.
- ii. Given that the fundamental purpose of a SOPO is to protect the public from serious sexual harm, a key factor to be considered is the risk presented by the person. Risk in this context should include reference to:
 - the likelihood of the offender committing a sexual offence;

- the imminence of that offending; and
- the seriousness of the harm resulting from it.

To secure a SOPO, the police will need to establish that there is a reasonable cause to believe that it is necessary to protect the public, or individual members of the public, from serious sexual harm;

iii. Care needs to be taken that the prohibitions and obligations in the SOPO can be justified by the assessment of risk. The questions that need to be asked when considering a SOPO are:

- Would it minimise the risk of harm to the public or to any particular members of the public?
- Is it proportionate?
- Can it be policed effectively?

iv. While there is a difficult balance to be struck between the rights of the offender and the need to protect the community, the need for a SOPO is dictated by the importance of protecting the public, in particular children and adults at risk. As a civil measure a SOPO enables this to be done without recourse to the criminal law. It must be remembered that the only conditions which can be imposed are those necessary for the purpose of protecting the public from serious sexual harm from the offender. These can, however, be wide ranging. A SOPO may, for example, prohibit someone from undertaking certain forms of employment such as acting as a home tutor to children. It may also prohibit the offender from engaging in particular activities such as visiting chat rooms on the Internet.

6 Examples of obligations might include the requirement to report to a police station more regularly than that prescribed in the 2003 Act and the regulations made thereunder; to inform the police of a change of vehicle usage or mobile telephone number or to inform the police if a person under 18 is resident in the offender's house.

7 The behaviour managed by the SOPO might well be considered unproblematic if exhibited by another member of the public - it is the offender's previous offending behaviour and, subsequent demonstration that they may pose a risk of repeating such behaviour, which will make them eligible for a SOPO.

8 A SOPO or an interim SOPO is a serious matter and breach of any condition contained therein gives rise to criminal proceedings and penalties. Every effort needs to be made to ensure the offender understands this, and that they attend the hearing of the application and are given the opportunity to state their case.

9 Section 100 of the Criminal Justice and Licensing (Scotland) Act 2010 provides for SOPOs to be granted on the motion of the prosecutor. This legislative provision allows for the Crown in Scotland to apply for a SOPO at the point of conviction. In order that the conditions contained within such a SOPO

motion are informed and achievable it is considered best practice for MAPPA partners to be involved in the decision making processes to address the offender's future conduct.

10 Non-statutory guidance in relation to SOPOs is available on the Scottish Government website:

<http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/Circulars/2012/Circular2>

RSHO

11 Section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 provides the power for the Courts to place restrictions or obligations on someone who is behaving in such a way which suggest that they pose a risk of sexual harm to a particular child (under 16) or to children (under 16) generally. The person's behaviour need not constitute a criminal offence, and they need not have any previous convictions. The Court may impose on the person any restrictions or obligations which are required to protect a particular child or children generally from sexual harm from that person.

12 Where a person has a previous conviction for crimes of a sexual nature, a SOPO should be considered rather than a RSHO.

13 Breach of a RSHO is a criminal offence and criminal procedures and penalties apply. The breach of an RSHO also automatically renders an individual subject to the SONR.

Notification Orders

14 Section 97 of the Sexual Offences Act 2003 provides a power for the Chief Constable to apply to the Sheriff Court for an order making an offender who has been convicted, cautioned or had a relevant finding made against him, in respect of a 'relevant offence' (defined in subsection (1) of section 99) abroad, subject to the SONR.

15 The Chief Constable may apply for an order if the offender resides in their police area or believes that the person is currently in or is intending to come to, his/her police area. A notification order might, for example, be sought in respect of a UK citizen who has been convicted of a sexual offence overseas and who is deported to the UK on release from prison abroad. The police could also apply for a notification order in respect of a foreign citizen who the police know has been convicted of a sex offence in his or her own country and who comes to the UK.

FTO

16 Section 114 of the Sexual Offences Act 2003 provides for FTO, which are civil, preventative orders. A FTO enables the courts to prohibit persons who are 'qualifying offenders' (essentially, those dealt with in respect of certain sexual

offences against a child under 18 (either in this country or abroad)) from travelling abroad where and so far as it is necessary to do so to protect a child or children from serious sexual harm outside the United Kingdom.

17 A FTO may be made on application by the Chief Constable to a Sheriff Court and, if made, will place a prohibition on a sex offender from travelling abroad either to a named country or countries, to anywhere in the world other than a named country or to anywhere in the world. The order requires the offender to surrender his or her passport(s).

18 The police may apply for a FTO at the same time as a SOPO or separately.

ANNEX 8: TRANSFER OF MAPPA CASES

Offenders subject to the Sex Offender Notification Requirements (SONR) or statutory supervision transferring within Scotland

1 There will be occasions when those subject to the SONR choose to move house. If the offender is also subject to statutory supervision it will be for the Criminal Justice Social Work (CJSW) in a local authority area to manage this move in consultation with their colleagues in the receiving local authority area.

2 The following principles should be followed in all transfer cases:

- The over-riding consideration in relation to case transfers should be the protection of the public.
- The need to consider the wider picture - there may be real benefits in transferring the offender out of a particular area, e.g. victim issues.
- The need to ensure that, where national standards for reporting and enforcement apply, these are maintained regardless of the transfer.
- The provision of seamless supervision of offenders in the community.
- The sharing of relevant information when the offender transfers.

3 MAPPA does not have the authority to refuse transfer. For those subject to statutory supervision, this remains a social work decision. However, where an offender is on an order with restrictive conditions, MAPPA can have an important role to play in ensuring that transfers are conducted in such way that risks are managed as effectively as possible.

4 Other factors to consider:

- Reasons for not approving a transfer: These have to be based on public protection factors and demonstrate that the decision is based upon a thorough risk assessment and is proportionate to the identified risks. It is essential that the decision is well recorded and is communicated clearly to the offender and is reported to Scottish Ministers if required by National Standards.
- Home visits: Whenever an offender changes their address a home visit must be undertaken. This must take place prior to transfer to ensure that it is a suitable address.
- National Standards: It is essential that national standards are followed with cases being allocated as required, appointments being kept as required and breach action being taken if necessary.
- ViSOR: ViSOR protocols and national standards must be followed with cases being transferred promptly between areas and all contacts and partners being updated as required.

5 In respect of transfer of a MAPPA offender subject to supervision, the decision as to whether the case should be transferred will be taken by CJSW.

They should consult with colleagues in other agencies to assist in their decision making but it remains a CJSW service decision. It is important that where the offender is subject to social work supervision as well as the SONR that the supervising officer ensures that the police are aware of the request to move address and are consulted as part of the decision making process.

6 For example, where an offender is being managed by Area A at MAPPA Level 2 or 3 and a change of address to Area B is being considered, the supervising officer in consultation with their manager in Area A should assess the risks associated with the proposed move and decide whether to approve it in line with the requirements of National Standards. Once the decision has been taken, Area A will consider whether it is necessary to hold a MAPPA meeting prior to transfer to identify the potential risks associated with the change of address and how these could be managed. The supervising officer in Area A will contact the supervising officer in Area B to discuss transfer and where appropriate the issues discussed at the MAPPA meeting. Once Area B has agreed to accept transfer it will hold a MAPPA meeting. The supervising officer or manager in Area A, and if necessary, the police should attend this meeting.

Individuals subject to the SONR but not subject to supervision

7 There is an obligation on a person subject to the SONR to notify the police of any change of address. When such an offender moves address to another police division the receiving division will notify the managing division that the offender has moved into their area and has notified a change of address. The managing police division will:

- make the receiving police division a partner to the ViSOR record;
- request that a home visit is made to confirm that the person subject to the SONR is actually living at the address; and
- where relevant, notify the offender manager of the change of address.

8 Once the address has been confirmed, the managing police division will transfer the ViSOR record to the receiving police division. The receiving police division will follow force guidance for the assessment of risk and consideration of referral to the MAPPA within that area.

Cross Border Transfers

9 It is not uncommon for offenders to move between jurisdictions within the United Kingdom, i.e. transfer between Scotland and:

- England/Wales
- Northern Ireland
- Isle of Man
- Channel Islands.

The process is more complex as legislation differs between the jurisdictions involved. General principles relating to cross border transfer of supervision are described below. The guidance then considers the issues around transfer of MAPPA cases between England/Wales and Scotland.

General Principles

10 Schedule 1 of the Crime (Sentences) Act 1997 contains the main provisions for transfer of supervision for those offenders subject to release on licence. Transfers of supervision are made on an 'unrestricted' or 'restricted' basis.

11 The distinction between restricted and unrestricted transfers is important because it determines the relevant law that is applicable following the transfer and may affect the duration of supervision and action in the event of breach of licence or any order.

12 A request which meets the transfer criteria and where there is no effect on the sentence (either in terms of a reduction or increase in time to serve) or on any post release supervision requirements, will normally be granted on an unrestricted basis. In an unrestricted transfer, the law of the receiving jurisdiction should apply. The offender is treated as if their supervision period had been the result of a sentence imposed in the jurisdiction to which they have been transferred. The offender will undergo the remainder of the supervision in the receiving jurisdiction as if it had been an equivalent period of supervision directed to be undertaken in the receiving jurisdiction. The supervision will be subject to the statutory and other provisions applicable in the receiving jurisdiction. This is the type of supervision that occurs between areas in England/Wales and in Scotland as it is possible to replicate the original supervision requirements.

13 Where an unrestricted transfer is not appropriate the Secretary of State, or Scottish Ministers, or other relevant authorities, may transfer the supervision of the offender on a restricted basis. In a restricted transfer, the law of the sending jurisdiction will continue to apply and the offender will be subject to the same duration of supervision under the same conditions as they would have been in the sending jurisdiction, as well as to any other conditions specified. The receiving jurisdiction will administer the supervision in the sense that the offender will be reporting to a supervising officer in the receiving jurisdiction. However, in the case of a restricted transfer, breach proceedings must take place under the legislation of the sending jurisdiction, for example in the case of a transfer from England to Scotland, breach action would follow English law.

14 As legislation now differs quite considerably between England/Wales, Scotland, Northern Ireland, Isle of Man and Channel Islands the vast majority of transfers of supervision must be agreed and made on a restricted basis.

15 If an offender is undergoing or about to undergo supervision in any part of the UK, formal approval must be sought of the Secretary of State or their equivalent (of the sending jurisdiction), or where the sending jurisdiction is Scotland, the Scottish Ministers may, on the offender's application, make an

order for that supervision to be transferred to another part of the UK. Serving prisoners may also apply to be transferred.

16 All transfers must be fully discussed and agreed with the receiving area prior to transfer taking place and this must be at Assistant Chief Officer of Probation (or equivalent) and Criminal Justice Service Manager (or equivalent) level.

17 Before an order for transfer is made, the sending and receiving probation and local authority CJSW jurisdictions are required, using the fullest information available, to consider:

- whether or not licence conditions can be enforced; and
- the ability of the receiving jurisdiction to manage the supervision.

[Note: [Scottish Executive Justice Department Circular 6/1999](#) and [Probation Instruction PI 07/2014- Case Transfers: For offenders subject to statutory supervision either pre release from custody or whilst completing an order or licence](#), provide full guidance on the arrangements for transfer of supervision.]

18 Key points to remember:

- Check the legislation regarding transfer and refer to the relevant guidance, remember the transfer is likely to be restricted and the process can be time consuming;
- Contact the receiving area to discuss the case with them prior to transfer - this must be at senior manager level - Assistant Chief Officer of Probation and Criminal Justice Service Manager;
- The receiving area must confirm that they are able to manage the case to the necessary requirements prior to transfer being agreed;
- Ensure all appropriate paperwork is sent to the receiving area within **five working days** of transfer being agreed. This should include offender assessment, including risk assessment, risk management plan, sentence plan, pre-sentence report, parole report, victim details and risks to potential
- victims, copy of original licence/ order and requirements as well as the amended licence/order;
- Transfer on licence has to be agreed with the offender manager/supervising officer prior to the transfer taking place and agreement to transfer can be refused;
- An offender subject to the SONR who moves and does not inform the police of their new address within three days commits an offence;
- Moving without notifying the offender manager/supervising officer constitutes a breach of the order/licence and the appropriate action must be taken;
- MAPPA cooperation and sharing information between England/Wales and Scotland.

19 This section is intended to set out the principles for the liaison and exchange of information between the responsible authorities and MAPPA in England/Wales and Scotland for offenders who fall within the offender categories defined by sections 327 of the Criminal Justice Act 2003 and 10 of the Management of Offenders etc. (Scotland) Act 2005.

Transfers

20 Offenders who are subject to MAPPA arrangements in the community and are under supervision on licence or on a community disposal by the National Probation Service, Youth Offending Team, or local authority CJSW in Scotland can only be transferred in accordance with the relevant legislation with the agreement of both the sending and receiving jurisdiction. Given the serious level of risk some MAPPA offenders present, it is essential that the process is followed properly, that full details and information are appropriately shared and that MAPPA meetings involve the sending area, either in person or through video/telephone conferencing.

21 Where a MAPPA offender moving between England/Wales and Scotland is not under supervision by the probation service or CJSW and therefore not subject to the cross border transfer legislation, it will be for the responsible authority in one area to make contact with the equivalent responsible authority in another area to provide relevant information. Thereafter it is for the receiving responsible authority to make the arrangements for referral to the MAPPA in their area.

22 MAPPA offenders have their details recorded on ViSOR and once a transfer has been agreed the necessary transfer must also take place on ViSOR. This will also include all MAPPA documentation relating to Level 2 and 3 meetings which have been held in England and Wales.

International Considerations when Sharing Information

23 It is now common place for persons from out with the UK to travel and reside within our communities. Within the European Union (EU), in recognition of the challenges faced by all EU countries, a number of Framework Decisions and Directives have concentrated on the increased exchange of information and intelligence across Member States. These have set the course for significant progress in the implementation of processes and systems to exchange information and intelligence across borders electronically thus enhancing the protection of EU citizens. Internationally, bi-lateral agreements exist between the UK and a vast number of other countries which facilitate the exchange of information. The sharing of information across borders continues to rise as the migration and travel of individuals continues to increase across the globe.

24 The provisions and processes in place with other countries provide a number of options available to the MAPPA partners in obtaining information on individuals from out with the UK who require to be managed in a multi-agency context albeit, in practice the requests for such information is generally the remit of the police.

25 There are two routes available through which details of an individual's previous criminal convictions can be accessed. The first relates to persons who originate from an EU Member State. The information sharing protocols within the EU have provided a single point of contact within each of the Member States for such information. Within the UK the designated point is the United Kingdom Central Authority for the Exchange of Criminal Records (UKCA-ECR) based in the ACPO Criminal Records Office (ACRO) in Southampton. For individuals who originate from countries out with the EU, Interpol continue to be the conduit through which all requests should be routed. In each of these instances, all requests for information should be submitted through the Police Service of Scotland's National Intelligence Bureau (NIB) who will manage all requests and responses from UKCA-ECR and Interpol on behalf of the local areas.

26 It should be borne in mind that there is no requirement for countries out with the UK to provide any information when requested in regard to information about their nationals. The Member States of the EU are only required, under the Framework Decisions and Directives to provide previous criminal convictions and MAY if it falls within the remit of their National Law, provide further details such as intelligence and other information which would be of benefit to the MAPPA partners. In regard to countries out with the EU, again they do not have to comply with a request to provide any information, including previous criminal convictions. In practice however, information exchange between countries is increasing and countries differ vastly in their approach and assistance provided.

27 The NIB should assist in compiling documentation to be submitted to UKCA-ECR or Interpol when requesting information which is crucial to the management of offenders and information which is believed to be of value should always be requested, detailing the reasons for the request. Such requests will be analysed on their merits. It is imperative that any information received is assessed, managed and shared in a manner acceptable to the providing state.

28 Information sharing across borders continues to increase and processes and procedures are being streamlined in an effort to ensure consistency. In all cases where a foreign national person is being managed under MAPPA, a request for their previous criminal convictions from their country of origin, and any other information, should be discussed with the NIB at an early juncture to ensure that all relevant information is sought in an effort to understand and manage the risks the individual presents.

ANNEX 9: GLOSSARY OF TERMS

Absconded restricted patient: Abscond is defined as an occasion when a restricted patient is absent without authority.

ADSW: The Association of Directors of Social Work.

CPA: Care Programme Approach. A process for organising the multi-disciplinary care and treatment of patients with mental health problems. Regular review meetings are held where needs are identified and plans put in place to meet these needs. Risk assessment and risk management are an integral part of this process.

CHI: Community Health Index. A database in wide use throughout NHS Scotland. It contains data on patient demographics and some clinical information on aspects of healthcare screening and surveillance. The CHI number is, effectively, an NHS number and its use as a patient identifier makes it increasingly important to the implantation of 'eHealth' (electronic health records (EHR) and other information and communication technologies (ICT) being introduced to healthcare in Scotland).

CHS: Criminal History System. The Criminal Records system held by the police in Scotland.

CJA: Community Justice Authority.

CJSW: Criminal Justice Social Work.

CSO: Community Service Order. Up to 300 hours unpaid work to be conducted within a set timescale. Commission of further offence is an automatic breach of order and if breach established at Court, the offender is remitted back to Court for sentence for 'new' offence and previous offence.

CO: Compulsion Order. A disposal made by a criminal Court where a person has been convicted of an offence or acquitted on account of insanity or found insane in bar of trial. The patient may be detained in hospital (which would usually be the case initially) or subject to compulsory treatment in the community. A compulsion order operates in a similar way to a Compulsory Treatment Order (CTO).

CPO: Community Payback Order. A Community Payback Order is an order imposing one or more of the following requirements: (a) an offender supervision requirement; (b) a compensation requirement; (c) an unpaid work or other activity requirement; (d) a programme requirement; (e) a residence requirement; (f) a mental health treatment requirement; (g) a drug treatment requirement; (h) an alcohol treatment requirement; (i) a conduct requirement.

CTO: Compulsory Treatment Order. A civil order under the Mental Health (Care and Treatment) (Scotland) Act 2003 which allows for the compulsory treatment of a person with mental disorder either in hospital or the community.

CD: Conditional Discharge (restricted patient). The Tribunal is empowered to order CD when a restricted patient no longer requires to be detained in hospital. The Tribunal may impose such conditions as it sees fit. The patient is subject to recall to hospital by Scottish Ministers in the event of a deterioration in the patient's mental disorder and/or breach of conditions.

CORO: Compulsion Order and Restriction Order. Where there is an on-going risk of serious harm the Court may make a restriction order in addition to a Compulsion Order. A patient on a CORO can only be transferred to another hospital or given periods of time outside hospital with the permission of the Scottish Ministers. Where a patient is subject to a CORO they can only be discharged to the community by a Mental Health Tribunal. Usually strict conditions will be placed on a patient on CORO in the community and the Scottish Government closely monitors the management of these patients. While a patient is on a CORO, either in hospital or conditionally discharged to the community, they are a restricted patient.

Custodial Sentence: Short-Term-Prisoner: custodial sentence less than 4 years imprisonment. Long-Term-Prisoner: custodial sentence over 4 years.

Disclosure: The sharing of specific information about a MAPPA offender with a third party (not involved in MAPPA) for the purposes of protecting the public. There are various methods of disclosure.

DTC: Duty To Cooperate. The DTC persons or bodies in Scotland are listed within The Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007.

DTTO: Drug Treatment and Testing Order. A Court Order aimed at assisting offenders to reduce drug use and related offending. An offender must agree to treatment and submit to frequent and random drug tests, attend Court for monthly reviews and be supervised by a DTTO Team.

DWP: Department for Work and Pensions.

EDL: Earliest date of liberation for offenders in prison.

Escorted Leave (restricted patient): A period of suspension of detention from the hospital accompanied by a nurse escort and following consent from Scottish Ministers.

ESO: Extended Sentence Order. Statutory order imposed by Court at time of sentencing to provide for an additional period of supervision on licence in the community over and above that which would normally have been the case. Example: An offender sentenced to 3 years custodial term and 3 years extension period would be released after serving 18 months in prison but would be on licence for the balance of the custodial period, i.e. 18 months plus a further 3 years = 4 years and six months in total on licence.

FTO: Foreign Travel Order. Civil order imposed by a court on application of the Chief Constable to prevent offenders with convictions for sexual offences against children, from travelling abroad where it is necessary to do so, to protect children from the risk of sexual harm. The offender must surrender their passport to the police.

HD: Hospital Direction. A disposal which may be made by a criminal Court where a mentally disordered offender is convicted on indictment (i.e. a serious offence has been committed). The patient is detained in hospital and a prison sentence is imposed which runs in parallel. If the patient no longer requires treatment in hospital then they can go to prison to serve the rest of their sentence. If they remain in hospital at the end of the prison sentence then they must be released or if they need to be detained in hospital, then an application is made for a CTO. While a patient is on a HD they are a restricted patient.

ICM: Integrated Case Management. A management structure used by the Scottish Prison Service. This approach brings together the prisoner, their family (where appropriate) and other key staff to examine the prisoner's progress through custody. The case conference will consider the actions/interventions that are necessary to help make the prisoner's stay in custody successful. The case conference will also examine the assessed risks the prisoner poses and help decide on appropriate interventions aimed at reducing those risks. This particular approach is useful in (a) keeping the prisoner at the centre of the ICM process, (b) maintaining a focus on issues which are external to the prison as well as internal, (c) the sharing of relevant information across agencies and (d) assessing and managing risk.

ICR: Initial Case Review. A part of the MAPPA significant case review process

Legally Insane: A small number of mentally disordered offenders are found unfit to plead (also known as unfitness for trial) or are acquitted by reason of special defence. Legally, such individuals are regarded as insane, even though this is not a term used by mental health professionals. In these cases courts may make a mental health disposal and in most cases individuals are detained in hospital.

Life Licence: Those who have received a mandatory life licence (e.g. murder); those who receive a discretionary life licence - imposed in respect of repeat offenders.

MAPPA: Multi Agency Public Protection Arrangements.

MAPPP: Multi Agency Public Protection Panel.

MDO: Mentally Disordered Offender.

MHO: Mental Health Officer.

MISSING: A Sex Offender should be considered as Missing in the following circumstances: Where the current whereabouts of an offender is unknown and

police enquiries to establish their whereabouts have been unsuccessful. As a result of these actions the risk management process may not be achievable and there exists a requirement to trace the individual and address the risk he/she may pose and establish if further offences have been committed. Those offenders who have left the territorial jurisdiction of the United Kingdom and whose location abroad is known are not considered as missing. The requirement to comply with the registration process is suspended whilst offenders are out with the UK. Where appropriate, consideration should be given to establishing whether the offender has committed an offence relative to notification of his/her foreign travel. In this situation if an arrest warrant is issued relative to such an offence the offender should be regarded as Wanted.

M.O: Modus Operandi. The method by which the offender committed the crime or offence.

NASSO: National Accommodation Strategy for Sex Offenders.

Non-Parole Licence: All long-term prisoners, excluding life sentence prisoners, are automatically released on Non-Parole Licence when they have served two thirds of their custodial sentence.

N.O: Notification Order. Require sexual offenders who have been convicted overseas to register with police, in order to protect the public in the UK from the risks that they pose.

OLR: Order for Lifelong Restriction. A sentence that has been available in Scotland since 2006. It provides for the lifelong management of individuals who have committed high risk violent and sexual offences.

Parole Licence: Parole is a system that enables offenders to be released on licence in the community under the supervision of a community based social worker. If an offender is released on parole, they are subject to be recalled to prison at any time if they breach the terms of their licence. Parole is only granted where the Parole Board is satisfied that the risk presented by the offender can be managed in the community.

PID: Personal Identification Device. Commonly known as a 'tag', see RLO.

PNC: Police National Computer.

Police Service of Scotland: Also known as Police Scotland the service was formally established on 1 April 2013 and is responsible for policing in Scotland.

PQD: Parole Qualifying Date. The date when the offender can qualify for parole.

Probation Order: 6 months to 3 years with conditions attached, e.g. address sexually offending behaviour within the community. Commission of further offence is an automatic breach of order and if breach established at Court, the offender is remitted back to Court for sentence for 'new' offence and previous offence.

RAO: Risk Assessment Order. An Order from the Court in respect of an Order for Lifelong Restriction.

Responsible Authorities: The responsible authorities are the police, local authorities, health boards or Special Health Boards and the Scottish Prison Service (SPS) (acting on behalf of Scottish Ministers).

Restricted Patient: This is an offender defined under the Management of Offenders etc (Scotland) Act 2005 Section 10, 11 (a) to (d).

RSO: Registered Sex Offender. This is an offender convicted of an offence specified in the Sexual Offences Act 2003 and therefore subject to the notification requirements of this Act.

RLO: Restriction of Liberty Order. A Court Order requiring an offender to remain within their home at times specified by the Court. Compliance is monitored electronically by the person wearing a 'Personal Identification Device' (PID) or 'tag'.

RSHO: Risk of Sexual Harm Order. Place restrictions and obligations on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or to children generally. The person's behaviour need not constitute a criminal offence, and s/he need not have any previous convictions. If the person fails to comply with (i.e. breaches) the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment. A conviction for breach of the order also renders the person subject to the sex offender notification requirements.

RMO: Responsible Medical Officer.

SCR: Significant Case Review

SCRA: Scottish Children's Reporter Administration

SOPO: Sexual Offences Prevention Order. A Court may make a SOPO at the time of dealing with certain sexual offenders or when the police make a special application on account of the offender's behaviour in the community. A SOPO can place restrictions and obligations on the offender and will require the subject to register as a sexual offender. If the offender fails to comply with (i.e. breaches) the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment.

Short Term Sex Offender Licence: All sexual offenders sentenced to 6 months or more but less than 4 years will be released on such a licence. Release will occur after completion of half the sentence subject to licence conditions for the duration of the sentence.

SOG: Strategic Oversight Group

SOLO: Sex Offender Liaison Officer. Usually a housing officer.

SONR: Sex Offender Notification Requirements

SPS: Scottish Prison Service.

Standard Licence Conditions: Standard Licence Conditions apply to all 'licences' whether on extended sentence, life, discretionary, parole or non-parole cases. In addition to standard conditions, the Parole Board can consider additional conditions on submissions made by CJSW.

Statutory Supervision - Includes Life Licence, Parole Licence, Non-Parole Licence, Extended Sentence Order, Order for Lifelong Restriction, Short-Term Sex Offender Licence, Probation Order, Community Service Order. All of which are defined.

SUS: Suspension of Detention (restricted patient). A period of leave either escorted or unescorted following consent of Scottish Ministers.

TTD: Transfer for Treatment Direction. A procedure under the Mental Health (Care and Treatment) (Scotland) Act 2003 Act which allows a sentenced prisoner with a mental disorder to be transferred to a psychiatric hospital for treatment. If the patient no longer requires treatment in hospital then they can go back to prison to serve the rest of their sentence. If they remain in hospital at the end of the prison sentence then they must be released or if they need to be detained in hospital, then an application is made for a CTO. While a patient is on a TTD they are a restricted patient.

Unescorted Leave (restricted patient): A period of suspension of detention from hospital under specified conditions as part of gradual rehabilitation programme and only following MAPPA consideration and Scottish Ministers' consent.

ViSOR: Violent and Sex Offenders Register.

WANTED: A sex offender subject to the SONR should be considered as wanted in the following circumstances: Where it is known that an offender is actively avoiding police in response to police enquiries to trace that individual relative to offences they may have committed or in relation to other matters for which it is required that they be interviewed. This may include those occasions where an offender is the subject of an arrest warrant.

MAPPA DOCUMENT SET:

1. MAPPA Notification Form
2. MAPPA Referral Form
3. MAPPA Notification Form Restricted Patients
4. MAPPA Referral Form Restricted Patients
5. MAPPA Minute Template
 - 5B. MAPPA Minute Template completion notes
6. MAPPA Risk Assessment Template
 - 6B. MAPPA Risk Assessment Template completion notes
7. MAPPA Risk Management and Contingency template
 - 7B. MAPPA Risk Management and Contingency Template completion notes
8. MAPPA JobCentrePlus Notification Form:
9. Template for Requests for MAPPA Meeting Minutes
10. MAPPA Meeting Minute Executive Summary
11. MAPPA Case Audit Form
12. MAPPA Meeting Audit Form

Document 1

MAPPA NOTIFICATION FORM

To:
MAPPA Coordinator:
CJA Area:
Address:

Offender Details

Name:

Alias:

DOB:

Age:

Gender - Male / Female:

Race & Ethnic Origin:

If known:

Prison Number:

PNC No:

CHS No:

ViSOR No:

Current Address:

Previous significant address / Hospital (for mentally disordered offenders)

Level 1: Routine Risk Management is the level used in cases where the risk posed by the offender can be managed by one agency without actively or significantly involving other agencies.

This is a stage 1 notification of a category 1 registered sex offender.

Registration Date:

Expiry Date:

* Please complete as appropriate

* Reason for recommending Level 1 (Please provide evidence as to why individual is to be managed at Level 1.)

* Notification accompanied by referral to level 2 (should be accompanied by the appropriate referral form).

* Notification accompanied by referral to level 3 (should be accompanied by the appropriate referral form).

* Referral to follow

Agency Making the Notification

Responsible Authority/Establishment/Agency:

Notified by (Name):

Job Title:

Contact Tel No:

Date of Notification:

Signature:

Date of completion:

Document 2

MAPPA REFERRAL FORM Level 2 / Level 3 (please delete)

PERSONAL DETAILS

Name:

ALIAS:

DOB:

Age:

Gender: MALE / FEMALE:

Race & Ethnic Origin:

Prison No:

PNC No:

SCRO No:

ViSOR No:

Current Address / Release Address:

Previous Significant Address:

Agency / Establishment Referring:

Referred by:

Job Title:

Contact Tel No:

Date of Referral:

Is the offender aware of the referral? If not why

REASON FOR REFERRAL

Please give brief details of reasons for referral e.g. index offence, behaviour causing concern, rise in risk level, etc.

COURT AND LICENCE / ORDER DETAILS

Index Offence

Sentencing Court:

Sentence date:

Sentence / Order details:

If in custody earliest release date:

Licence expiry date:

Sentence expiry date:

Details of any other statutory order:
i.e. SOPO, OLR, RHSO, CORO etc

Status in Criminal Justice System – including any outstanding court dates:
Please give details (e.g. Bail, Community Sentence)

Full contact details of Supervising Officer / Police Offender Manager:
Name, Job Title, Address, Telephone, E-mail

Scottish Prison Service

Additional information – associates, sexualised behaviour whilst in custody, substance misuse, access to finance, etc.

SUMMARY OF OFFENDING BEHAVIOUR

1. PATTERN - *Based on previous convictions and other information, outline since when, how often and how much particular types of harmful behaviour have occurred. Highlight violent and sexual offences and any incidents which occurred in prison/hospital. Please attach a record of previous convictions:*

2. NATURE - *Outline what types and how many types of offending that are evident. Give details regarding known or potential victims (specifying any risk to children, vulnerable adults and threats to staff) and any requirements under the terms of the Victim Notification Scheme or engagement with Victim Support Scotland:*

3. SERIOUSNESS - *What is known about the degree of planning and the intended and actual impact of the offending?:*

4. LIKELIHOOD - *Comment on the balance of risk and protective factors. Is the balance in favour of desistance or further offending? What is the nature and seriousness of further offending likely to be? Refer to current or most recent risk assessment:*

REASON FOR RECOMMENDING LEVEL? (PLEASE PROVIDE EVIDENCE AS TO WHY IT IS BEING RECOMMENDED THIS INDIVIDUAL IS TO BE MANAGED AT LEVEL.)

LIST OF ATTACHMENTS

e.g. CHS record

ANY OTHER INFORMATION IF APPROPRIATE

Signature:

Date of completion:

Document 3

MAPPA NOTIFICATION FORM - RESTRICTED PATIENTS

Details from restricted patient Care Plan Dated:		.././.
Patient Name: Date of Birth:		.././.
Restricted patient notification to MAPPA		
CJA area MAPPA Coordinator	Name	
	Address	
	Notification Only	
	Notification accompanied by referral to level 2 (should be accompanied by the MAPPA referral form)	
	Notification accompanied by referral to level 3 (should be accompanied by the MAPPA referral form)	
	Referral to follow	
Patient Details		
Name		
Date of Birth		
Permanent Address		
Previous significant address		
Sex		Ethnic Origin (Standard Codes)
CHI number		Unit number
Prison number (if known)		CHS number(if known)
PNC number (if known)		ViSOR number(if known)
Notifying Service Details		
RMO details (name address telephone no.)		
MHO details (name address telephone no.)		
Police contact details	(if not known, request for Police contact to be identified)	

Responsible Local Authority	
Responsible Health Board	
Legal Details	
Legal Status & Section	
Sentencing court	
Date of Conviction/Insanity Acquittal *	
Date order began *	
Date of previous annual review*	
Date of next annual review *	
MANAGEMENT STAGE	No SUS except urgent clinical/compassionate Escorted Suspension of detention Unescorted Suspension of detention Conditional Discharge
For Determinate Sentences Earliest Liberation date/ Parole Qualifying date	
For Life Sentences	
Punishment part	
Notifiable under part 2, Sexual Offences Act 2003	YES / NO
If yes to above - Detail offence(s) and period of order	
Schedule 1 Notification Yes/ No	

Signature: _____

Date of completion: _____

Copy to Scottish Government Health Directorate, Restricted Patients Branch, Room 2N.08, St Andrews House, Edinburgh EH1 3DG

Document 4

MAPPA REFERRAL FORM – RESTRICTED PATIENTS

Details from restricted patient Care Plan Dated:	../..
Patient Name: Date of Birth:	../..
Restricted patient referral to MAPPA	
MAPPA Local Office	
MAPPA Coordinator	Name
	Contact
	Number
Suggested Level	
MANAGEMENT STAGE	
Notifiable under part 2, Sexual Offences Act 2003 (2) Yes / No *	
If yes to above - Detail offence(s) and period of order *	
Schedule 1 Notification Yes/ No *	

Patient Details	
Name	
Date of Birth	
Permanent Address	
<i>Previous significant address</i>	
CHI number	
Unit number	
<i>Prison number</i>	
<i>PNC number</i>	
<i>SCRO number</i>	
ViSOR number	
Sex	
Ethnic Origin (Standard Codes)	
Referring Service Details	
Hospital	
Ward	
Phone No	
Responsible Local Authority	

Responsible Health Board			
Clinical Team			
Useful Contacts			
Designation:	Name:	Office Hours Contact Number	Out of Hours Contact Number
Key Worker/ Care Coordinator			
RMO			
MHO			
General Practitioner			
CPA Coordinator			
Scottish Government			
Legal Details			
Legal Status & Section			
<i>Sentencing court</i>			
Date of Conviction/Insanity Acquittal *			
Date order began *			
Date of previous annual review*			
Date of next annual review *			
RMO details *			
MHO details *			
For Determinate Sentences			
Earliest Liberation date/ Parole Qualifying date			
For Life Sentences			
Punishment part			

Risk Summary

Offending History		
Index Offence		
Other Offences <i>Highlight all violent/sexual offences</i> <i>Highlight all offences or concerns relating to children young persons. Detail any children within or outside the family who may be at risk with names and dates of birth</i>		
History of ...		
	Yes/No	Brief Details
Violence Include a list of all known incidents of violence to staff of any agency	please select	
Sexual Aggression	please select	
Fire Raising	please select	
Hostage Taking	please select	
Use of Weapons	please select	
Alcohol or Substance misuse	please select	
Absconding/Escape	please select	
Self Harm	please select	
Other factors of relevance <i>(e.g. past child protection referral or vulnerable adult referral)</i>	please select	
Current Risk Status		
Setting	Likelihood, imminence, frequency & severity of harmful behaviour towards whom & under what circumstances	
In Hospital <i>List all known concerning incidents whilst in an institution (e.g. prison or hospital)</i>		
Escorted in Community		
Unescorted in Community		
Other		
Conditional Discharge Conditions		

Medication		
	Yes/No/not applicable	Comment
Is the patient prescribed medication without which his/her risk may be increased?		
Is the patient compliant with this medication?		
Victim Considerations		
	Yes/No	Details
Is/are there specific person(s) whom the patient poses a risk to?		
Does the patient pose a potential risk to certain types of people? (e.g. children, women, adults at risk of harm)		
Monitoring & Supervision Requirements		
In Hospital	Nursing observation level	
	Restrictions regarding contact with staff	
	Restrictions regarding access to indoor areas	
	Restrictions regarding access to outdoor areas	
	Restrictions on telephone use and letters	
	Room searches	
	Personal searches	
	Alcohol/drug testing	
	Access to sharps & other utensils	
	Visitors	
	Other hospital requirements	
In the Community	Escort requirements	
	Special considerations for staff visiting patient	
	Special consideration for out-patient appointments	
	Alcohol/drug testing	
	Other community requirements	
Additional Comments		
<i>Please give details of any other information held which may assist with public protection (e.g. details of any known violent/sexual behaviour, previous allegations, domestic abuse incidents)</i>		

Document 5

MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS

MINUTE TEMPLATE

RISK MANAGEMENT MEETING FOR:

CONFIDENTIALITY STATEMENT

In working with offenders, victims and other members of the public, all agencies have agreed boundaries of confidentiality.

The agencies within this meeting respect those boundaries and hold the meeting under the shared understanding that:

- It is called in circumstances where it is considered that the risk presented by the subject of the meeting is so great that issues of public or individual safety outweigh those of confidentiality.
- The disclosure of information outside the meeting, beyond that agreed at the meeting, will be considered as a breach of the subject's confidentiality and a breach of the confidentiality of the agencies involved.
- All documents should be appropriately marked using the relevant Government Security Classifications.
- If the consent to disclose is considered essential, permission should be sought from the Chair of the meeting, and a decision will be made on the overriding principle of a public safety, "need to know."

The broad aims of a MAPPA meeting are to review and establish agreement regarding the development and implementation of a Risk Management Plan including ensuring;

- The analysis of the risk of serious harm has identified the risks.
- That the identified risk management strategies and activities are implemented in line with professional role and competence.
- That decisions are taken to address any obstacles to the delivery of the Risk Management Plan and uninterrupted service provision.

1. MAPPA MEETING INFORMATION

MEETING INFORMATION

Type of meeting	
Location of meeting	
Date of meeting	
Category of offender	
MAPPA Level at which risk is assessed	

OFFENDER INFORMATION

Offender name	
Date of Birth	
Occupation	
Current Address	
Previous/additional address	
Index Offence	
ViSOR Number	

KEY DATES

Date of Offence	
Date of Conviction	
Date of Sentence	
Earliest date of liberation	
Licence Expiry date	
SONR Expiry date	
Order (if relevant)	

LEAD AUTHORITY

Lead Authority	
Address	
Case Manager	
Contact details	

ATTACHMENTS

--

IN ATTENDANCE

Name	Organisation
(Chair) (Minute taker)	

APOLOGIES

Name	Organisation

2. AGENCY UPDATES
Police
Local Authority
Housing
Health
Other agency –(e.g. Principal Reporter, Education, Duty to Cooperate bodies).

3. RISK ASSESSMENT DISCUSSION

4. AGREED LEVEL OF RISK OF SERIOUS HARM

Low	Medium	High	Very High

5. RISK MANAGEMENT DISCUSSION

6. CONTINGENCY PLANNING DISCUSSION

7. CURRENT MAPPA LEVEL	AGREED MAPPA LEVEL

8. DISCLOSURE AND PUBLIC PROTECTION DECISIONS

Disclosure	
DWP/JCP Notification	
Child Protection concerns	
Adult at Risk Concerns	
Other referral (specify)	

Document 5B

MAPPA MINUTE COMPLETION NOTES

Confidentiality Statement

At the beginning of each MAPPA meeting the statement of confidentiality should be agreed by all present. This statement is intended to remind and reassure those attending of the sensitive nature of some of the information shared at the meetings. The actual wording of the statement is contained within the document set.

Purpose of Meeting

The record of every meeting must clarify whether it is an initial or a review meeting.

The purpose of the meeting is to:

- Bring additional information or assist agencies to assess the relevance of existing information;
- Review and establish agreement regarding the development and implementation of a Risk Management Plan including ensuring;
 - The analysis of the risk of serious harm has identified the risks;
 - That the identified risk management strategies and activities are implemented in line with professional role and competence;
 - That decisions are taken to address any obstacles to the delivery of the RMP and uninterrupted service provision;
- Consider whether the MAPPA level should increase or decrease;
- Set a formal review date for the risk management plan.

Meeting Details

Record the type of meeting, (Initial/Review), along with the location and date, Category of offender, (currently Category 1 or Restricted Patient) and the MAPPA level at which risk is currently assessed and managed.

Offender Information

Record the full details of the offender as per the checklist provided. This should be done in advance of the meeting

Key Dates

Record the date of the index offence along with the earliest date of liberation, and dates relating to licence expiry, SONR expiry date and the dates relating to Civil orders (granted & expiry).

Lead Authority

Record the details of the relevant lead authority including the address, case details and telephone/email contact details.

Attachments

Provide a list of any attached documents to be used at the meeting. The documents should be clearly labelled and may include for example:

- Minutes of previous meetings.
- Action Register
- Copies of relevant risk assessments
- Agency update reports
- Current Risk Management Plan

Attendance

Record details of all those in attendance including the agency they represent. Also record details of those submitting apologies in advance, and those who stated they would attend but did not.

Agency Update

The name of the person providing the briefing should be recorded. It will be for each agency to consider how to present their information.

Risk Assessment Discussion

Record the discussion related to the Risk Assessment for the offender - see the risk assessment documentation; (document 6 of the Document Set).

Agreed Level of Risk of serious Harm

The MAPPA Risk level definitions are as follows:

Very High: There is imminent risk of serious harm. The potential event is more likely than not to happen imminently, and the impact could be serious.

High: There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact could be serious.

Medium: There are identifiable indicators of risk of serious harm. This person has the potential to cause harm, but is unlikely to do so unless there is a change of circumstances.

Low: Current evidence does not indicate likelihood of causing serious harm.

Risk Management Discussion

Record the discussion related to the risk management planning for the offender - see the risk management documentation; (document 7 in the Document Set).

Contingency Planning Discussion

Record the discussion related to Contingency Planning for the offender - see the risk management documentation; (document 7 in the Document Set).

MAPPA Level Discussion

A discussion will take place on whether the current MAPPA level remains appropriate in light of the risk assessment and the proposed risk management plan.

Disclosure and Public Protection Decisions

The MAPPA provide a focus at case management level for agencies to actively take disclosure into consideration. To ensure that this forms part of the offender management process, the MAPPA meeting should consider whether disclosure needs to take place. If so, the following should be recorded:

Reason for disclosure/no disclosure;

Date when disclosure took place;

To whom the disclosure was made.

Third-party disclosure at MAPPA meetings will, in the main, be in respect of child or adult protection issues.

The ultimate decision on third-party disclosure in relation to the status of registered sex offenders lies with the Chief Constable, however, disclosure does not usually take place without consultation between the police and other agencies responsible for the management of the offender. Within this guidance there is a fuller examination of disclosure matters within Chapter 9.

Due consideration must be given to diversity issues - whether, in respect of either the offender or the actual or potential victim, there are gender, age, sexuality, racial, religious, disability or any other issues which may lead to unfair and unlawful discrimination which affect the assessment AND the management of risks.

Action Register

Following the Initial meeting an action register should be maintained as a record of all actions agreed at the meetings over time. It includes the date the action was raised, the individual or authority responsible for the action, and the date it was completed and the outcome. Overtime this will provide a chronological record of all the actions agreed and undertaken in each case.

Document 6

**MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS
RISK ASSESSMENT TEMPLATE**

RISK ASSESSMENT FOR:	
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BASIS OF ASSESSMENT

CONCISE CASE SUMMARY

ANALYSIS OF OFFENDING AND RISK FORMULATION	
Brief history of offending (including index offence)	
Describe the cycle of events, thoughts, feelings and behaviours that precede and follow an episode of seriously harmful offending	
Identify the relevance of key factors contributing to offending behaviour (i.e. predisposing, precipitating, perpetuating, and protective factors).	
Provide a summary of the risk of serious harm in terms of the pattern, nature, seriousness, likelihood and imminence. Include a conclusion on the overall risk level.	

AGREED LEVEL OF RISK OF SERIOUS HARM			
Low	Medium	High	Very High

Document 6B

MAPPA RISK ASSESSMENT TEMPLATE

Completion Notes

The Risk Assessment section will evidence a structured professional judgment approach and will set out a summary of the key information and findings of the risk assessment. The Risk Assessment will demonstrate:

- A thorough review of the information;
- the use of approved and appropriate risk assessment tools
- the application of structured professional judgement to help identify relevant and critical risk and protective factors and to provide a framework
- a formulation of risk that includes the nature, severity, imminence, frequency and likelihood of reoffending;

Basis of Assessment

The risk assessment will be completed and where possible made available to group members in advance of the meeting.

Assessments should draw on a range of sources relevant to social, health and offending related issues and should include file, collateral and interview information.

Identify and list the key documents and sources of historical and current information that have informed the risk assessment and Risk Management Plan (RMP).

This may include interview information, reports, chronologies, risk and need assessments, police intelligence, minutes of meetings and multi-agency discussions, records of correspondence, and case file reviews.

It will be important to consider needs alongside risk where the individual being assessed has specific needs or vulnerabilities (such as in the case of young people or those with a mental disorder). The range of sources should reflect this.

Concise Case Summary

The purpose of this section is to provide the reader with an overview of the key information that is known about the offender based on a review of the case. The information provided should be relevant to the risk assessment and management planning process. The summary should commence with a short bullet point list of the most salient facts of the case.

The remainder of the section should provide a synopsis of any additional information that is relevant to the development of the RMP. The level of detail included in this section should be proportionate to the case without the unnecessary duplication of information contained elsewhere in the RMP.

Analysis of Offending and Risk Formulation

A formulation of risk is an explanation of offending behaviour.

The purpose is to identify the factors which cause, trigger, maintain or prevent offending behaviour in order to understand the interaction and respective role of each factor in an episode of offending.

The aim is to identify the most appropriate means of preventing further offending and encourage rehabilitation.

This section includes a review of offending behaviour, an offence analysis, and the identification of relevant risk and protective factors. When considered together, these aspects should lead to an understanding or a formulation of the risk.

To support meaningful communication, the conclusions regarding risk of serious harm should be summarised in terms of the pattern, nature, seriousness, likelihood and imminence of offending.

A formulation is a hypothesis and as such should be subject to testing and review in light of emerging information.

Brief History of Offending

Provide a brief offence history. Note any offences which are of particular concern or which indicate a pattern. Where there is reference to unconfirmed or alleged information, ensure that it is clearly marked as such and that its relevance and reliability is appropriately weighted.

- Provide a brief summary of the index offence including details of:
- the circumstances surrounding the offence;
- a description of the events and degree of planning involved
- who was harmed, the seriousness and the outcome, and
- the offenders reaction or response to the offence.

Describe the Cycle

Describe the cycle of events, thoughts, feelings and behaviours that precede and follow an episode of seriously harmful offending in order to inform your identification of the relevant risk factors that may contribute to the harmful behaviour and those factors that may interrupt or prevent the cycle from occurring.

It may be helpful to consider the antecedents, behaviours and consequences associated with the episodes of offending.

Identify the Relevance of Key Factors

Drawing on the offence analysis and the findings of any relevant risk assessment tools, list the identified risk and protective factors which will be targeted within the RMP and explain how they relate to an episode of seriously harmful behaviour.

Risk factors can be considered in four broad categories which inform risk management planning in different ways.

Identifying the risk factors under these four headings can assist in understanding their relevance by exploring how they function in the occurrence of offending behaviour. Understanding the part that risk and protective factors play helps in identifying the risk management activities or approaches that are appropriate to address the risk. It also assists in identifying the scenarios that need to be managed in order to prevent or reduce the risk of serious harm.

Agreed Level of Risk of Serious Harm

The MAPPA Risk level definitions are as follows:

Very High: There is imminent risk of serious harm. The potential event is more likely than not to happen imminently, and the impact could be serious.

High: There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact could be serious.

Medium: There are identifiable indicators of risk of serious harm. This person has the potential to cause harm, but is unlikely to do so unless there is a change of circumstances.

Low: Current evidence does not indicate likelihood of causing serious harm.

Document 7

**MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS
RISK MANAGEMENT AND CONTINGENCY PLANNING TEMPLATE**

1. RISK MANAGEMENT PLAN FOR:	
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Risks to be Managed	Description

RELEVANT FACTORS

Predisposing Factors	Precipitating Factors	Perpetuating Factors	Protective Factors

MEASURES OF CHANGE

Early Warning Signs/Behaviours to Monitor	Indicators of Positive Change

RISK MANAGEMENT STRATEGIES

Risk Management Strategy	Relevant Factor	Activity	Priority	Date for Completion or review	Responsible Authority/Individual	Context
Supervision						
Monitoring						
Intervention or Treatment						
Victim Safety Planning						

LIMITATIONS OF STRATEGY

--

2. MONITORING AND CONTINGENCY ACTIVITY

Immediacy/Degree of Alert	Early warning signs/behaviour to monitor	Agreed Actions	Responsible Authority/Individual
Be Aware			
Be Prepared			
Take Immediate Action			

Please be aware that unforeseen circumstances may arise that are not covered by the actions above. In such circumstances the key contacts listed below should be used to ensure formulation of an appropriate response; action, and on-going accountability.

KEY CONTACTS			
Name	Role	Organisation	Email/Telephone

REVIEW OF PLAN	
Date of current RMP	
Date of next review of RMP	

Document 7B

RISK MANAGEMENT AND CONTINGENCY PLAN

Completion Notes

Identify the Risk(s) to be managed in this plan

Summarise the broad risk(s) to be managed by the plan. There are a number of ways to categorise the risk(s) however, examples might include; Sexual offending; Domestic abuse; General violence; stalking.

Describe the Risks

The purpose of this section is to outline the likely or plausible scenarios in which serious harm might occur. A scenario describes the likely set of circumstances or events in which an offence may occur and draws on the interaction of risk and protective factors highlighted in the risk formulation.

It describes how the various factors interact in a given context and what the likely outcome may be in terms of who may be harmed, how they may be harmed and the potential seriousness of the harm. A scenario is not a prediction and should be based on the available information.

Briefly describe the likely scenarios that relate to the identified risk(s) and consider the following aspects:

- The **context**; (e.g. community based/health setting);
- **what** is the risk;
- **who** is at risk; (e.g. known children, known adults, specific groups, public at large, staff, etc);
- **when** will the risk occur;
- **how** might it occur, and;
- **why** would it occur in these circumstances.

Example text: *“when in the community (**context**) there is a risk of sexual contact (**what**), against children and young people known to him (**who**) in situations in which he is drinking alcohol (**when**). He may isolate the child or young person, or offer them alcohol (**how**), to engage the child in sexual acts for self-gratification (**why**)”.*

Relevant Factors

The purpose of this section is to clearly identify the individual factors that will be targeted within the plan.

The formulation of risk explores how risk factors function to contribute to an episode of offending, whilst the identified scenarios indicate how those factors are likely to manifest themselves.

Based on the formulation of risk and the identified scenario(s), detail the relevant factors that will be targeted by the plan under the following headings:

Predisposing Factors: are often identified through the application of risk assessment tools as factors which are associated with offending, and are noted to be present as criminogenic needs. Within a risk formulation, it is important to consider which factors render this individual likely to commit a certain type of offence and why. These factors may be amenable to change and should be targeted by supervision and treatment/intervention strategies. Examples might include impulsivity, substance misuse problems, disregard for others, or early and diverse anti-social behaviour.

Precipitating Factors: are related to the timing of offending, and may serve as precipitants or triggers. They may be events that trigger criminogenic needs, or acute dynamic factors which can change rapidly. They should be targeted by monitoring, supervision and victim safety-planning strategies.

Examples might include intoxication, emotional collapse, or a perceived slight or rejection.

Perpetuating Factors: These may be long term issues, responsivity factors or vulnerabilities which are likely to perpetuate rather than ameliorate the risk of offending. They may function by maintaining predisposing factors, or they may act as obstacles to successful intervention. Targeting these factors may increase the efficacy of other interventions; however the factors may merit interventions or treatment in their own right.

Examples might include cognitive impairment, a learning disability or a history of trauma.

Protective Factors: are circumstances, relationships or characteristics that have a mitigating effect on the individual's risk of serious harm. When present, they act to prevent, reduce or interrupt the occurrence of an episode of seriously harmful behaviour. As such, they have an important role in risk management, however it is important to note that these are individualised factors and that what proves protective for one person may not be protective for another.

Examples might include family or intimate relationships, medication or motivation to engage in supervision and requirements under a civil order.

Measures of Change

It is important to identify behaviours or events which might indicate that risk is increasing, or that the protective factors or measures which manage the risk are weakening or breaking down.

It is also important to consider what emerging behaviours might indicate that interventions are working or that the level of risk is reducing.

Early warning signs /behaviours to monitor: Identify the signs or behaviours which might indicate that offending is imminent, the risk management strategies are breaking down, or that the plan requires review;

Indicators of positive change: Identify the events, behaviours or circumstances which might indicate that the plan is working or that the risk is diminishing.

Risk Management Strategy

Supervision: is a means by which a relationship is established with the individual. The purpose is to ensure that the individual is engaged through dialogue in a process of change and compliance. Supervision may also involve oversight or administration of a Court order or sentence to ensure that any requirements or conditions are being appropriately applied and that compliance with such requirements is being monitored.

Monitoring: involves a number of observational activities intended to identify progress or deterioration or draw attention to areas where the RMP needs to be changed.

Intervention or Treatment: is a specific programme, activity or technique focused on encouraging change in a particular behaviour or providing treatment for a particular problem.

Victim Safety Planning: is a risk management activity by which attention is drawn to the safety of specific individuals or groups who may potentially be victimised, with a view to devising preventative or contingency strategies.

Relevant Factors

Within the table identify the factor(s) to be addressed. Depending on the purpose and scope of the activity, you can opt to develop plans in relation to an individual risk or protective factor, a general offence type (e.g. violent offending), or all of the risk factors as a whole.

Activity

Identify the activity which will be delivered in order to manage the risk factor(s).

Priority

Relates to the risk priority rating. Within the 'Priority' column assign one of the following ratings to each risk management activity:

Immediate priority;

Moderate priority;

Low priority;

Not Applicable - where the risk management activity is no longer needed or applicable.

Date for Completion or Review

Identify a date by which the activity will be completed or progress will be reviewed.

Responsible Agency/Individual

Identify which agency or individual is responsible for delivering each activity.

Context

To support transitional planning, indicate whether the identified activity is relevant to managing risk within a secure setting, a community setting, or both.

Limitations of Strategy

No plan can completely eliminate risk therefore it is important to consider the limitations present in the strategy and activities agreed. Use this section to highlight gaps or weaknesses in the plan and give consideration to the following:

- Areas of uncertainty;
- Interdependencies between risk management activities (i.e. one activity is reliant on the successful application of another);
- Where the success of the plan requires engagement of the offender;
- Reliance on availability of programmes;
- Gaps in knowledge;
- Impact of the presence of personality disorder.

2. MONITORING AND CONTINGENCY ACTIVITY

This section must be completed and used to document the measures to be taken in response to:

- the appearance of early warning signs;
- the weakening or breakdown of protective factors; and
- the weakening or breakdown of the risk management strategies set out in the preventive action section.

Early Warning Signs/Behaviour to Monitor

Early Warning Signs are those noticeable behaviours, events and other indicators that highlight to those working with the offender that offending may be imminent.

Immediacy/Degree of Alert

Identify whether the emergence of a particular behaviour requires staff to:

Be Aware – monitor the emerging behaviours closely for any signs of escalation and ensure relevant individuals/agencies are informed about the potential situation.

Be Prepared – ensure that precautionary measures are taken and that staff are alert to the possible situation.

Take Immediate Action – intervene now to deliver identified contingency activities.

Agreed Actions

Identify the agreed actions to be taken in the event that the early warning signs emerge or the identified behaviours change. The actions should clearly state what is to be done to manage/minimise the risk, and in what timescale.

Responsible Authority/Individual

Identify the agency/person responsible for delivering each agreed action.

Key Contacts

Unforeseen circumstances may arise that are not covered by the agreed contingencies. In such circumstances the key contacts listed should be used to ensure formulation of an appropriate response and on-going accountability.

Document 8**NOTIFICATION TO JOBCENTRE PLUS****MAPPA J**

To be completed by SPS/CJSW/POLICE and sent via secure email to the identified Jobcentre Plus Designated Officer / Single Point of Contact (SPOC) in the area:

**As soon as restrictions are known, and;
When there is a change to the restrictions;
When there is a change of offender manager.**

THE JOBSEEKER			
Last name:			
First name:			
Middle name:			
Date of birth:			
Aliases including nicknames:			
Gender:			
Current address:			
Postcode:			
Telephone number:	(h)		(m)
2. NOTIFYING AGENCY			
Notifying agency:	SPS/CJSW / Police		
Name:			
Grade:			
Office:			
Telephone number(s):	(w)		(m)
Email address:			
Date Jobseeker informed of Jobcentre Plus notification: <i>(In exceptional circumstances where Jobseeker not informed, give date of discussion with Jobcentre Plus Designated Officer / SPOC)</i>			
Does the offender present a risk of serious harm to Jobcentre Plus staff or other	YES / NO		

employment and training providers?			
If YES: Describe the nature of the risk of serious harm and contact the Jobcentre Plus Designated Officer / SPOC to discuss.			
3. MAPPA POINT OF CONTACT			
Name:			
Office:			
Telephone number(s):	(w)		(m)
Email address:			
4. INITIAL RESTRICTIONS / CHANGE OF RESTRICTIONS (Which will affect the employment / training of the Jobseeker)			
Initial Restrictions / Change of Restrictions <i>[delete as appropriate]</i>	Date restriction ends		
Date notification emailed to JCP designated Officer/SPOC:			
Date by which JCP Designated Officer / SPOC should contact lead agency to discuss (within five working days, if notification restriction/change of restrictions):			
5. NO RESTRICTIONS APPLY			
Complete only when there is serious concern regarding employment and the need to protect the public from serious harm			
Date discussed with Jobcentre Plus Designated Officer / SPOC:			
Information shared:			

Document 9

TEMPLATE FOR REQUESTS FOR MAPPA MEETING MINUTES

Dear **Name of Requestor**,

I have received your letter dated **DD/MM/YYYY** asking for copies of MAPPA Meeting Minutes in relation to:

(Offender name)
(Offender current address)
(Postcode)
(Offender date of birth)

The minutes that you have requested contain third party, confidential, sensitive **(add/delete, as necessary)** information. Therefore, it is not possible to release them in full and, in accordance with MAPPA Guidance, I enclose the Minutes Executive Summary.

Should you require more detailed information provided to the MAPPA meeting by a specific agency, please request that information directly from that agency.

Yours sincerely,

(Name)
(MAPPA Role)
(MAPPA Area)

Document 10

MAPPA MEETING MINUTES EXECUTIVE SUMMARY

Notice

This MAPPA Meeting Minutes Executive Summary will not contain details of any individual agency risk assessment or Risk Management Plan. Where a third party wishes to receive a copy of such a document/report they should apply directly to the individual agency.

1. Offender Information

ViSOR reference:

Family name:

First name:

Date of birth:

Gender:

PNC number:

Current address:

Postcode:

2. Referring Agency and Reason for Referral to a MAPPA Meeting

Date of referral:

Date of meeting:

Venue of meeting:

MAPPA Category:

Level of meeting:

3. Summary of Meeting

4. Details of MAPPA Meeting Chair

Name:

Area:

Agency address:

Telephone number:

Fax number:

Email address:

Date of completion:

Document 11

MAPPA CASE AUDIT FORM

Name of auditor:
Date:
Offender's full name:
Referring agency:

Instructions: Please circle the number relating to your finding

1. Initial Referral

How timely was the initial referral?

- Very timely 1
- Should have been earlier by more than a month 2
- Should have been earlier by three months or more 3

Were all relevant sections completed?

- Yes, all the relevant sections completed 1
- No, relevant sections were not completed 2

Was the referral of sufficient quality?

- Yes, completely 1
- Yes, good enough 2
- No, not sufficient 3
- No, poor 4

2. Initial MAPPA Meeting

2.1 Timeliness:

How timely was the initial MAPPA meeting, after the initial referral?

- Very timely 1
- Should have been earlier by a few days 2
- Should have been earlier by more than a week 3
- Should have been earlier by more than a month 4
- Should have been earlier by three months or more 5

2.2 Attendance:

Were the nominated people invited to the initial MAPPA meeting? ("Relevant" means general relevance to this type of case)

- Yes, all the relevant people/agencies were invited 1
- No, one relevant person/agency* was not invited 2
- No, two or more relevant people/agencies* were not invited 3
- Some people* were invited who should not have been 4

*Please list these people/agencies:

Did the nominated individuals attend the meeting?

- Yes, all the relevant people attended 1
- No, one relevant person/agency* did not attend 2
- No, two or more relevant people/agencies did not attend 3

*Please list these people/agencies:

Did people who did not attend, but were directly involved in the case, provide written reports?

- Yes, all 1
- Yes, some 2
- No evidence 3
- Not applicable 4

Was a report provided from the lead agency?

- Yes 1
- No evidence 2

2.3 Minutes:

Were the minutes of the initial MAPPa meeting clear and concise?

- Yes 1
- Yes, mostly 2
- No, mostly not 3
- No, lacked clarity 4

Do the minutes clearly record the MAPPa category?

- Yes 1
- No 2

Do minutes clearly record the initial risk level the case should have been managed at?

- Yes 1
- No 2
- N/A 3

Do the initial minutes evidence that a risk assessment tool has been completed by the referring agency?

- Yes 1
- No 2

2.4 Conduct of Meeting:

Do the minutes show that the meeting addressed the standard agenda?

Yes	1
Yes, mostly	2
No, mostly not	3
No, not at all	4

Do the minutes show that there was effective sharing and consideration of information at the meeting?

Yes	1
Yes, for most of the meeting	2
No, not for most of the meeting	3
No, not at all	4

Do the minutes show that any diversity issues were properly addressed?

Yes	1
No*	2

*If No, please describe any shortfall:

Do the minutes show that risk was properly assessed?

Yes	1
Yes, mostly	2
No, not very well	3
No, not well at all	4

Do the minutes record defensible decisions to if disclosure should or should not be made?

Yes	1
Yes, for most of the meeting	2
No, not for most of the meeting	3
No, not at all	4

Where it is agreed that disclosure should take place is it clear what information will be disclosed, who to, when by and by whom?

Yes	1
Yes, mostly	2
No, not very well	3
No, not well at all	4
N/A	5

Do the minutes show that potential victims were properly informed?

- Yes, awareness of all risk to potential victims informs meeting 1
- Yes, some awareness of risk to potential victims informs meeting 2
- No, not enough 3
- No, not at all 4

Do the minutes show that the compliance of the offender was considered?

- Yes, sufficiently 1
- To some degree 2
- Not addressed at all 3

2.5 Action Plan:

Do actions in the plans link well to the identified risks?

- Yes, completely 1
- Yes, well enough 2
- No, not sufficiently 3
- No, links are poor 4

Are there any risks (identified at the MAPPAs meeting or evident to you) which are not addressed properly?

- No, none 1
- No, but a risk* could have been addressed better 2
- Yes, some risks* not addressed properly 3
- Yes, major risks* not addressed 4

*Please list those risks if applicable:

Is there mention of involving the offender in actions to be taken and/or arrangement to notify the offender about the MAPPAs meeting and relevant outcomes?

- Yes 1
- No 2
- N/A 3

Do the actions plans have SMART objectives?

- Yes, for all actions 1
- Yes, for most actions 2
- No, only for some actions 3
- Not really 4

Are the individuals who are expected to take the actions clearly identified?

- Yes, in all cases 1
- Yes, mostly 2
- No, mostly not 3
- No, never 4

Is there a clear time frame for actions?

- Yes, always 1
- Yes, mostly 2
- No, mostly not 3
- Not usually 4

3. Only for Cases where there have been Review Meetings

Did the reviews happen within the frequency required for the case?

- Yes 1
- No 2

Were the nominated people invited to the review meeting?

- Yes, all the relevant people attended 1
- Yes, mostly 2
- No, some relevant absences* 3
- No, consistent relevant absences* 4

*Please list the absent agencies:

Was the action plan reviewed every time?

- Yes, always 1
- Yes, mostly 2
- No, mostly not 3
- No, never 4

Is there evidence that every action has been addressed? (I.e. a real attempt has been made to undertake the action)

- Yes, every action, every time 1
- Yes, every action for most reviews or most actions in every review 2
- No, mostly not 3

Do the minutes show that updating information was shared?

- Yes, at every review 1
- Yes, at most 2
- No, not at most 3
- No, not at all 4

3.1 Risk Reviewed:

Was the need to manage the case at level 2/3 reviewed?

Yes 1
No 2

Was there a change to level of management?

Yes 1
No 2
N/A 3

Was the decision appropriate?

Yes 1
No* 2

*Please explain why the decision was not appropriate?

Where management at level 2/3 was confirmed was a revised action plan put in place?

Yes 1
No 2
N/A 3

4. Management of this Case

How well has this MAPPA case been managed?

Very well 1
Well enough 2
Not well enough* 3
Poorly* 4

*Please provide reasons:

Are all the decisions/actions noted "defensible"?

Yes 1
No* 2

*Please list decisions/actions:

In your view, has the MAPPA process been effective in providing protection for the public?

- | | |
|------------------|---|
| Significantly | 1 |
| To a good degree | 2 |
| Not much | 3 |
| Not at all | 4 |

5. Please add any other comments (e.g. examples of good practice or areas for improvement.)

Document 12**MAPPA MEETING AUDIT FORM**

Name of auditor:

Date of meeting:

Level 2/3:

Number of cases discussed:

Name of Chair:

Grade/rank:

Grades:	4 = Excellent	3 = Satisfactory	2 = Unsatisfactory	1 = Poor
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1. Arrangements for the Meeting

	Comments	Grade
1.1	Attendees were provided with joining instructions prior to the meeting	
1.2	Attendees were provided with relevant paperwork (including details of the referral for initial meetings and minutes of previous meetings if this was a review meeting)	
1.3	Attendees were appropriately welcomed at the venue	
1.4	Appropriate refreshments were provided	
1.5	The layout and environment of the meeting room were appropriate	

2. How the Meeting is Conducted

	Comments	Grade
2.1	The meeting commences at the stated time	
2.2	The purpose and objectives of the meeting were clearly stated at the outset	
2.3	Attendees introduced themselves and their role	
2.4	The Confidentiality Statement was stated at the beginning of each case (if there were now new attendees for different cases, it can be reaffirmed)	
2.5	Discussion time was allocated to topics in a way which was consistent with their importance, urgency and complexity	
2.6	Chair encouraged each attendee to contribute effectively	
2.7	The agenda was followed, unhelpful comments were discouraged and inappropriate digressions were avoided	
2.8	Where it existed, any dissent is noted with the meeting agreeing on how to proceed and the decision is recorded	

3. Risk Assessment

	Comments	Grade
3.1	Chair ensured that victim and potential victim issues are identified and assessed	
3.2	Chair ensured that diversity issues are identified and addressed	
3.3	Chair presented information and summarises clearly and at appropriate points during the meeting (comprehensively addressing all identified risk of serious harm factors)	
3.4	The meeting properly considered whether disclosure of information should be made, identifying reasons for the decision reached and showing what alternatives have been considered	
3.5	The meeting properly considered whether the case requires level; 2/3 management	

4. Risk Management

	Comments	Grade
4.1	The MAPPAs Risk Management Plan addresses the risk of serious harm factors raised in the meeting	
4.2	All actions are SMART with identified owners	
4.3	Review date set, where appropriate	
4.4	Where previous actions have been allocated and not completed, appropriate remedies sought	

5. Overall Assessment

	Comments	Grade
5.1	This was a well-managed MAPPAs meeting	
5.2	The right people attend to allow the MAPPAs arrangements to function effectively	
5.3	The meeting was chaired effectively	

6. Additional Comments



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